May 5, 2022

VIA EMAIL
Karl Frisch
7480 Birdwood Ave, Apt. 1025
Tysons, VA 22102

Good afternoon:

I hope this message finds you well. I am writing in response to the Virginia FOIA request that our office received on March 28, 2022 for the following records dated January 15, 2022 through the date the search was conducted (i.e., March 31, 2022):

> "All email communications (including any email messages, attachments, or calendar invitations) sent by any of the Department of Education individuals below containing any of the key terms, also listed below:
>
> Department of Education Individuals
>
> a) Superintendent of Public Instruction Jillian Balow
>
> b) Assistant Superintendent of Public Instruction Elizabeth Schultz
>
> c) Chief of Staff Richard Shanor
>
> d) Senior Advisor to the Superintendent Jon Russell
>
> e) Chief Diversity, Opportunity and Inclusion Officer Dr. Rosa Atkins
>
> f) Office of Policy Director Dr. Leslie Sale
>
> Key terms
>
> a. helpeducation@governor.virginia.gov
>
> b. "tip line"
>
> c. Tipline
>
> d. CRT
>
> e. "Critical Race Theory"
>
> f. "Executive Order"
>
> g. "Mask Mandate"
>
> h. Divisive
>
> i. Racist

AMERICAN OVERSIGHT

j. “Parents Defending Education”

k. PDE

l. “Parents Against Critical Theory”

m. PACT

n. “Fight for Schools”

o. FFS

p. “Virginia Project”

As previously communicated, due to the volume of records involved with processing this request, we are releasing the responsive records on a rolling basis and this letter reflects the first phase of our response to this request. Following an extensive email search and subsequent review of the email accounts for the Senior Advisor to the Superintendent Jon Russell, the Chief Diversity, Opportunity and Inclusion Officer Dr. Rosa Atkins, and the Office of Policy Director Dr. Leslie Sale, we identified a total of 171 responsive email communications that contained one or more of the aforementioned requested “key terms” between January 15, 2022 through March 31, 2022. Please see our detailed response below for this first phase of responsive records:

- Of the total number of email communications identified as responsive for phase one of our response to this request, please be advised that 55 of these email communications (a total of 122 pages, to include 69 attachments) are being withheld in their entirety, and four (4) email communications have been partially redacted as working papers and correspondence of the Office of the Governor in accordance with Va. Code § 2.2-3705.7(2). Due to email exchanges occurring between the VDOE individuals you included in your request, please be advised that some of these emails and attachments are duplicates. Below please find a more detailed summary of the email communications that are being withheld in their entirety under this exemption:
    - 15 of these withheld emails contain correspondence with the Office of the Governor concerning agency administrative processes, which constitutes 55 pages and 49 attachments.
    - 10 of these withheld emails relate to communications that were prepared by or for the personal or deliberative use of the Office of the Governor regarding Executive Order One, which constitutes 11 pages and 11 attachments.
    - 16 of these withheld emails relate to communications that were prepared by or for the personal or deliberative use of the Office of the Governor with respect to the Governor’s Executive Actions, which constitutes 18 pages and 4 attachments.
    - 14 of these withheld email communications relate to Legislative Action Summaries and Enrolled Bill Reviews that were prepared for the personal or deliberative use of the Office of the Governor, which constitutes 38 pages and 5 attachments.
- Of the total number of email communications identified as responsive for phase one of our response to this request, please be advised that 11 of these responsive email

AMERICAN OVERSIGHT

communications (a total of 28 pages) are protected by attorney-client privilege and are therefore being withheld in their entirety in accordance with Va. Code § 2.2-3705.1(2). An additional eight (8) email communications have been partially redacted as attorney-client privileged communications.

- Lastly, four (4) email communications have been partially redacted in accordance with the Family Educational Rights and Privacy Act (FERPA, see 20 U.S.C. § 1232(g)), and one (1) email communication has been partially redacted in accordance with FERPA and the Health Insurance Portability and Accountability Act (see 42 U.S.C. § 1320(d)).
- Attached please find the remaining 88 responsive email communications and the partially redacted emails delineated above for phase one of our response to this request.

Our office diligently continues to work through the remaining records necessary to fulfill the entirety of this request. Due to the volume of responsive emails identified for phase one of our response to this request, please note that we are providing the responsive records on a flash drive that will be sent via U.S.P.S. First-Class Mail.

Best regards,

Rebecca Westfall

AMERICAN OVERSIGHT

From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 3/15/2022 8:35:10 AM
To: jillian.balow@doe.virginia.gov, dicky.shanor@doe.virginia.gov
Cc: jon.russell@doe.virginia.gov
Subject: 'This letter is a gross misrepresentation of what superintendents believe' Gov. Youngkin | WJLA

'This letter is a gross misrepresentation of what superintendents believe' Gov. Youngkin | WJLA

https://wjla.com/news/local/virginia-governor-glenn-youngkin-republican-public-school-superintendents-133-letter-tip-line-education-agenda-divisive-discriminatory-interim-report-critical-race-theory-curriculums-civil-rights-act-ben-kiser

AMERICAN OVERSIGHT

From: Jon Russell <jon.russell@doe.virginia.gov>
Sent: 3/4/2022 12:15:24 PM
To: jennifer.bean@governor.virginia.gov
Cc:
Subject: Accepted: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (jennifer.bean@governor.virginia.gov)

Attachments: invite.ics

Jon Russell has accepted this invitation.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York

Where Zoom (listed below) (map)

Calendar jennifer.bean@governor.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Invitation from Google Calendar

You are receiving this email at the account jennifer.bean@governor.virginia.gov because you are subscribed for invitation replies on calendar jennifer.bean@governor.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: jon.russell@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hId1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u>

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/9/2022 10:49:53 AM
To: ssbrabrand@fcps.edu, "Jon Russell" <jon.russell@doe.virginia.gov>
Cc:
Subject: Follow-up to phone call yesterday

Superintendent Brabrand,
Thank you for visiting yesterday about Belvoir's mask mandate and the continued board deliberations regarding admissions to TJ for the class of 2026.

Additionally, I wanted to follow-up with information about the complaint of antisemitism in Fairfax County Public Schools. The complaint was filed with U.S. Department of Education's Office of Civil Rights on January 25, 2022 and was forwarded to our offices several weeks later.

Thank you again.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/18/2022 9:16:06 AM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Fwd: [External] Follow-up to phone call yesterday

Jillian, Braband is saying he was unaware. How would you like to proceed?

---------- Forwarded message ---------
From: **Brabrand, Scott S** <ssbrabrand@fcps.edu>
Date: Thu, Mar 17, 2022 at 7:51 PM
Subject: Re: [External] Follow-up to phone call yesterday
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Jon Russell <jon.russell@doe.virginia.gov>

Dear Jillian,

I checked into this with my legal team. We have not received any notice of complaint on this from OCR, given apparent internal processing delays there. Could you send me copies of anything that you have received?

Sincerely,

Scott

Sent from my iPhone

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: Wednesday, March 9, 2022 9:49:53 AM
To: Brabrand, Scott S <ssbrabrand@fcps.edu>; Jon Russell <jon.russell@doe.virginia.gov>
Subject: [External] Follow-up to phone call yesterday

CAUTION: This email originated from outside of FCPS. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Superintendent Brabrand,
Thank you for visiting yesterday about Belvoir's mask mandate and the continued board deliberations regarding admissions to TJ for the class of 2026.

Additionally, I wanted to follow-up with information about the complaint of antisemitism in Fairfax County Public Schools. The complaint was filed with U.S. Department of Education's Office of Civil Rights on January 25, 2022 and was forwarded to our offices several weeks later.

Thank you again.

JILLIAN
BALOW
SUPERINTENDENT
OF PUBLIC
INSTRUCTION
VIRGINIA DEPARTMENT
OF
EDUCATION
804.225.2057 |
jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/7/2022 12:40:16 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Cc:
Subject: Fwd: Curriculum Question

Please see below; adding to our 1 pm for discussion.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

---------- Forwarded message ---------
From: **Moms4 Liberty** <moms4libertybedford@gmail.com>
Date: Mon, Mar 7, 2022 at 11:09 AM
Subject: Curriculum Question
To: <elizabeth.schultz@doe.virginia.gov>

Good Morning! Happy Monday!

Our school board is getting ready to recommend some curricula for purchase for the next school year. Members of our organization, Moms for Liberty, have been given the opportunity to review the choices that the curriculum review committee has narrowed down and we are concerned about some of the content. Given the giant, sweeping clean-out going on at the VDOE and the approved curriculum, my concern is that our county will approve these curricula and put them in the hands of our students and, next year, these items won't even be approved by the VDOE. I'd like to encourage our School Board to put the pause button on this purchase (which will use hundreds of thousands of taxpayer dollars), in the interest of making sure that our curriculum is not filled with materials that the VDOE will determine this year is divisive or has an ulterior motive. My concern is that this will be purchased this year, and be unapproved for next year, but will stay in the hands of students for the coming years, because it was "recently purchased" and "VDOE approved at the time". Can you offer any insight into this? The curricula they are suggesting is for Science and English. I would love to have some validation from the administration regarding our thoughts on this matter. Any advice or insight you could offer would be greatly appreciated. My goal is to present our suggestions to our Bedford County School Board at the meeting this Thursday, in the hopes of delaying their purchase approval (which they will vote on at the April meeting).

Also, a quick update for you. The open school board seat that I mentioned to you at dinner a few weeks ago has been filled. The board voted 4-2 to appoint the candidate that our organization was supporting; a conservative, business-owner and parent who has been serving the movement towards parental rights in the last year. He was being opposed by a 40 year veteran of the school system who, in recent years, had sued the school board for sexual discrimination. Another victory for parents!!!

Thanks so much for any insight you can provide!
All the best to you!
Amy Snead

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 10:09:58 PM
To: "Cox Kusse__" <jox.kusse__@doe.virginia.gov>
Cc:
Subject: Fwd: Fw: VA Commission on African American Education

Attachments: Outlook-foxwnobg.png ,VA Commission on African American Education.docx ,VA Commission on African American Education.pdf

More context for earlier email…

---------- Forwarded message ---------
From: **Mary Prentice** <drmpren.ice@gmail.com>
Date: Tue, Mar 22, 2022 at 2:14 PM
Subject: Fwd: Fw: VA Commission on African American Education
To: <elizabeth.schultz@doe.virginia.gov>, <elizabethschultzhome@gmail.com>, <dicky.shannon@doe.virginia.gov>, Mary Prentice <drmprentice@gmail.com>

Elizabeth and Dicky, Sorry the images did not come through in email I will put them in document and send them in separate email but I also thought you would want to see Eric who earned masters degree in history his review of the african american Oxs SOLS left us as it stands curriculum.
Hi Andrew,

Attached are my comments regarding the VA Commission on African American Education. Let me know if there's anything else I can do to help!

Regards,

Eric James Szandzik

Read the attached files below. I will be sending you Elizabeth a separate email with images in it that sorry did not come through in previous email I sent. Scroll down to read attachments.
Blessings, Mary Prentice

---------- Forwarded message ---------
From: **Andrew Glover** <andrew@glover.us>
Date: Thu, Dec 30, 2021 at 8:32 AM
Subject: Fw: VA Commission on African American Education
To: Mary Prentice <drmprentice@gmail.com>, ericjamesszandzik@gmail.com <ericjamesszandzik@gmail.com>

Hey Mary,
I want to introduce Eric Szandzik. Eric is a Lynchburg resident (I think Ward IV, but he'll have to correct me if I'm wrong), and recently obtained his Master's Degree in History. He and I have been chatting off-and-on for about 2 months now about various issues within Lynchburg City, and particularly the schools. One area he's expressed interest in is the VA Commission on African American Education. As apart of that he completed a review/analysis of the commission report that I found very insightful - I've attached it to this email in a word document. I know that you have been following this subject closely and wanted to connect both of you as a resource for each other.

Eric,
Dr. Prentice is perhaps the most knowledgeable local resource I know of (honestly in the whole state) in regards to cultural curriculums and the way they are being taught in school systems. She is a wealth of knowledge on the subject and regularly (2-3 times per week) provides critical updates, news, and analysis for local leaders on the issue. I highly encourage you two to meet for coffee. I think you would both get along well.

I also want to start putting a bug in both of your ears that LCS School Board Appointments are about to start in the next couple of months. I'd love to meet with you both to see if you would be willing to put your names forward to get onto the Lynchburg City School Board and start instituting the change we so desperately need.

Thanks,

Andrew Glover
Glover Ventures, LLC
andrew@glover.us
(434) 515-0022

GLOVERVENTURES
NEVER STOP DREAMING.

From: Eric Szandzik <ericjamesszandzik@gmail.com>
Sent: Wednesday, December 29, 2021 2:11 PM
To: Andrew Glover <andrew@glover.us>
Subject: VA Commission on African American Education

Hi Andrew,

Attached are my comments regarding the VA Commission on African American Education. Let me know if there's anything else I can do to help!

Regards,

Eric James Szandzik
--

Elizabeth D. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT



GLOVERVENTURES

NEVER STOP DREAMING.

AMERICAN OVERSIGHT

Eric James Szandzik (EJS): All italicized and bolded fonts were removed from the original. Italicized/bolded fonts are used below to notate and add comments.

EJS General comments: What is included in the history curriculum should not be determined by race, ethnicity, or any other element of an identity group. The curriculum should rely on the basis of what is historically significant and relevant to the subject material. If the curriculum is neglecting to include a certain race of people which are historically relevant to the subject material, then corrections should be made in that instance. Intentional specificity is appropriate for corrections to the history curriculum. These suggested changes are a wild pendulum swing to over-correct perceived mistakes in the history curriculum.

Page 5

Professional Development Recommendations

Additionally, the Commission recognized that change in the delivery of content will ***only be successful ifteachers and school leaders are appropriately supported and equipped to do so.*** The professional development subcommittee developed six key recommendations to ensure Virginia educators achieve proficiency in culturally relevant teaching and gain appropriate foundational knowledge in African American history. Their recommendations are to:

- ***Require*** every Virginia educator to certify that they have enrolled in Cultural CompetencyProfessional Development by 2022.
- ***Mandate*** certification (Continuing Education Units) in African American History for all holdersof education licenses issued by the Virginia Department of Education (this includes initial licensure and renewals).
- Amend requirements for licensure endorsements in History/Social Science to ***require*** evidence of course study in African American History.
- ***Require*** a credit in African American History as ***a new requirement for graduation*** in Virginia.The new elective course in African American History developed by VDOE and WHRO could be used tofulfill this requirement.

EJS: Requirements and mandates do not indicate that the commission is striving to support and equip teachers. They are forcing their recommendations and threatening termination for lack of cooperation. All trainings or certifications should be voluntary. If a school or district wants to hire more teachers with this training, they should be allowed to hire with those preferences.

Conclusion

The timing of the report reinforces the urgent and critical need we have as a society to better understand African American history and the ways in which our racial history continues to influence policies and systems today. The Commission wrote this final report in the midst of a global pandemic that disproportionately impacts communities of color. They worked against the backdrop of protests and outrage at the murder of George Floyd and too many other Black Americans in the name of law andorder.

EJS: What ought to be included in the history curriculum should not be determined by current trends or the news cycles. It should be determined by what is historically significant and relevant given the subject material.

AMERICAN OVERSIGHT

Page 7

Shared Vision

As its members came together to embark in the process, the Commission identified a number of sharedgoals and vision for their work. The Commission's vision for progress as it relates to the teaching of African American history and the cultivation of culturally responsive school buildings included:

- More inclusive standards. The Commission approached the work of improving African American history standards in the Commonwealth by first acknowledging that African American students have often been excluded from learning their own history. The group shareda broader goal of ensuring that African American history be ***in all classrooms 180 days a year***, not just during Black History month or specific history courses. The Commission emphasized that educators should take an interdisciplinary approach and seek to represent diverse perspectives in all subject areas to enrich student education.

EJS: Their goal is to inundate every classroom with material that is specifically African American-centric. Material should be determine on its merits, not whether it aligns with a racial-political preference.

Page 8:

- Culturally responsive pedagogy. Early in its work, the Commission agreed that all students inthe Commonwealth should be able to maximize their individual learning potential and engage indeeper learning. To ensure students can engage deeply in content, Virginia must empower educators to teach their students in ways that are relevant to their lives and experiences. The Commission embraced culturally responsive pedagogy because it recognizes the importance of
students' cultural references in all aspects of learning and does not just reinforce the values ofthe dominant culture.

EJS: A benevolent sentiment, if it was being advocated for all cultures. This commission only encourages the exposure to African cultures.

- ... Educators must view all of their students through an asset-based lens and create learning communities ***where all heritages are valued***. They must ***challenge stereotypes, prejudices, racism, and other forms of intolerance and oppression***. This requires significant resources and supports over an extended period of time.
- Anti-racist school communities. As Virginia commits to cultivating more empathetic and anti-racist school communities, it is imperative we ***change school names and mascots that memorializeConfederate leaders or sympathizers***. These school names and symbols have a traumatizing impact on students, families, teachers, and staff.

EJS: These statements are contradictory. The commission advocates valuing all heritages, then deny that right to Virginian war veterans of the Civil War and the descendants of those families.

AMERICAN OVERSIGHT

The existing standards explain the causes of the Civil War with the following sentences:

> Cultural, economic, and constitutional differences between the North and the South eventually resulted inthe Civil War.
>
> Sectional tensions, originating with the formation of the nation, ultimately resulted in war between theNorthern and Southern states.

The language above is passive, evasive, and circular. Below is the version with the subcommittee'ssuggested technical edits incorporated:

> Cultural, economic, and constitutional differences between the North and the South, all of them based inslavery, eventually resulted in the Civil War.

EJS: This is untrue. There were many cultural, economic, and constitutional differences between the North and South that were not based in slavery. Most obvious being that many northerners thought it was against the constitution to secede from the union, while many southerners believed it was consistent with the constitution to secede from the union. Many economic differences are also due to geography: the lands of the south happen to be more suitable for farming and agriculture. By narrowing the reasons for the start of the civil war to only slavery goes against the commission's stated goals of being inclusive. Exclusively mentioning slavery is anti-inclusive by definition.

> Sectional tensions over slavery, originating with the formation of the nation, ultimately resulted in warbetween the Northern and Southern states.

EJS: By narrowing the reasons for the start of the civil war to only slavery goes against the commission's stated goals of being inclusive. Exclusively mentioning slavery is anti-inclusive by definition.

AMERICAN OVERSIGHT

Standards Overhaul

In addition to examining the need for technical edits, the Standards Subcommittee had a workgroup that looked more cohesively at the standards as a whole. The standards overhaul group reviewed the organization of Virginia standards, and recommended changes for consideration by the Virginia Board of Education. They recommend changing the way history and social studies courses order their content,and encourage educators to teach content thematically so that students can more easily make connections and apply knowledge to their modern context.

EJS: This is a post-modern perspective on how history should be taught. History should be viewed through the context of the time, not with a modern context looking into the past. By arranging material thematically, rather than chronically, students lose an understanding of the situations examined, and the reality of the individuals within those situations.

Standards Overhaul Recommendations

- Develop a curriculum framework that addresses 10 key concepts that ensure African American history is not segregated from U.S. history in general. The concepts are:
  - ...
  - Racism and ***Systemic Racism*** – Prejudice, discrimination, or antagonism directed against someone of a different race based on the belief that racial differences produce aninherent superiority of a particular race
  - ...
  - Advocacy and ***Agency***
    - Advocacy – An activity by an individual or group that aims to influencedecisions within political, economic, and social systems and institutions
    - Agency – The capacity of individuals to act independently and to make theirown free choices.

EJS: Teaching American history through the lens of Systemic Racism denies Agency to blacks and whites. Systemic Racism would imply that the majority population group (whites) have created systems that are inherently racist against a minority population group (blacks). It is then supposed that these systems propagate racism by people operating within the systems regardless of individual actions or motives. This denies agency to white people, by eliminating the possibility that it is possible that non-racist whites are working within the system, and it also denies agency to black people, by claiming they must interpret all actions and motives through the prism of a racist perpetrator and victim.

AMERICAN OVERSIGHT

Page 14

African American history should be taught throughout the entire year and across the curriculum. This requires a deep grounding in culturally responsive pedagogy, comprehensive content knowledge that paints a more complete historical picture, and an understanding of the contemporary ramifications of thepast.

EJS: No race should be given preference in teaching history. Whether or not a race is included in certain historical subjects should be determined by historical significance and relevancy.

Page 15

Defining Key Terms

- ***Anti-Racism***: Anti-racism acknowledges that racist beliefs and structures are ***pervasive in all aspects of our lives*** and requires action to dismantle those beliefs and structures. This requiresthat school leaders hold educators and students accountable when they say and do things thatmake school unsafe, and that they dismantle systems perpetuating inequitable access to opportunity and outcomes for students historically marginalized by race.[1]

EJS: It is their objective to promote the idea that racism is present everywhere and at every time. This is a cynical, malicious, and foolish perspective of human nature which should not be included in the history curriculum.

Page 19

Recommendations

Legislative

- ***Require*** every Virginia educator to certify that they have enrolled in Cultural CompetencyProfessional Development by 2022.
- ...
- ***Mandate*** certification (Continuing Education Units) in African American History for all holdersof education licenses issued by the Virginia Department of Education (this includes initial licensure and renewals).
- Amend ***requirements*** for licensure endorsements in History/Social Science to require evidenceof course study in African American History.
- ***Require*** a credit in African American History as a new requirement for graduation in Virginia.The new elective course in African American History developed by VDOE and WHRO could be used tofulfill this requirement.

EJS: This goes beyond "supporting" teachers to educate students in an unbiased and truthful way. It mandates a narrow perspective on history.

AMERICAN OVERSIGHT

General

- ...
- Develop models for training about ***implicit bias*** and culturally-responsive pedagogy.
- ...
- Develop a model ***anti-racism*** educator policy approved by the Virginia Board of Education.
- ...

EJS: The idea of implicit bias is fundamentally flawed. It assumes that all people have nefarious unconscious biases. It has not been demonstrated that people have the particular set of unconscious biases according to their definition. When the Implicit Association Tests are re-taken by the same participant, the scores vary outside the limits of reliability.

The commission defines Anti-Racism as: believing that "racist beliefs and structures are pervasive in all aspects of our lives." This world-view should be avoided given that it is a cynical, malicious, and foolish perspective which should not be included in the history curriculum.

Page 20

Conclusion

Culturally-responsive pedagogy and curricula are needed more now than ever. ***Students in Virginia andacross the country are interested in learning about African American history*** in order to better understand the history of the United States. ***Many teachers are eager*** to gain robust and accurate content knowledge in Black history in order to more effectively teach both Black history and U.S. history....

EJS: If it was the case that students and teachers are interested to spend more time on African American history, their recommendations would not have to be required and mandated at every step.

Page 21

V. Conclusion

...

The Commission is issuing this report within the context of dramatic social upheaval. Our nation is in the throes of an unprecedented pandemic that is disproportionately impacting Black and Latino communities and illuminating devastating racial health disparities in our country. Additionally, the murder of George Floyd has catalyzed robust conversations about police brutality and racism in our society. Citizens all over the country have protested and called upon governments and leaders to take bold action against police brutality and other forms of structural racism in our communities. These events and public discourse clearly reinforce the dire need for all Virginians, and all Americans, to betterand more deeply understand America's difficult and complex racial history, its racists footings, and the continuous influence that history has on our society today.

AMERICAN OVERSIGHT

EJS: Whether or not a pandemic is disproportionally impacting Blacks and/or Latinos should have no impact on what history is taught in schools. There is zero evidence that the George Floyd murder was due to racism.

Page 46

EJS: The Original Language in Appendix D shows that African Americans have been, and are currently, included in the History and Social Studies curriculum. This runs contrary to the narrative of this commission, which depicts African American history has a neglected element in the current history curriculum.

Appendix D: Curriculum Framework Edits for Consideration

Course: Kindergarten

Standard	Original language	AAHEC Recommendation
K.1b		Where it states community or communitymembers, reference African American neighborhoods. ***---- EJS: No race should be given preference over another.***

Page 46-47

Course: Grade One

Standard	Original language	AAHEC Recommendation
1.1f	Experiences may include but are notlimited to the following: ● Describe how the relationshipbetween Pocahontas and the Jamestown settlers affected the success of the Jamestown settlement.	Experiences may include but are not limited to the following: ● ~~Describe how the relationship between Pocahontas andthe Jamestown settlers affected the success of the Jamestown settlement.~~ ● Describe how the relationship between diseases and weapons of the English settlers impacted the Virginia Indians. ***---- EJS: There is no reason to remove this element regarding Pocahontas. It replaces a positive story with one that presents America in a negative light. This is an objective for those who wish to emphasize slavery in America, and ignore or exclude any positive aspect of America.***
1.3a-e	The student will describe the stories of influential people in the history of Virginia and their contributions to our Commonwealth, with emphasis on **a)** Powhatan; **b)** Pocahontas; **c)** Christopher Newport; **d)** Maggie L. Walker; **e)** Arthur R. Ashe, Jr.;	The student will describe the stories of influential people in the history of Virginia and their contributions to our Commonwealth, with emphasison a) Powhatan; b) Pocahontas; c) Christopher Newport; d) Maggie L. Walker; e) Arthur R. Ashe, Jr.; f) Lawrence Douglas Wilder; and g) John Mercer Langston. ***---- EJS: Blacks are 19% of Virginia's population, but the race-centered***

AMERICAN OVERSIGHT

		Essential Understandings Not everyone was considered a citizen when our countrybegan, and for a long time after that, even until today. Essential Knowledge Students can ***demonstrate good citizenship*** by • being inclusive of others despite differences • exercising civic duties like voting and ***paying taxes*** ***---- EJS: Good citizenship is promoting race-blind education.***

Page 49

VS.3e	Essential Understandings Virginia became a more diverse colonyby 1620.	Essential Understandings This is the first time that Africans were introduced to theVirginia colony and became permanent part of Virginia's population. ~~Virginia became a more diverse colony by 1620.~~ ***---- EJS: Virginia became more diverse in many ways by 1620, not just related to Africans.***
VS.3e	Essential Knowledge Portuguese sailors captured African menand women from what is present-day Angola. The legal status of these early African men and women as either servants or enslaved persons once they arrived in Virginia is unknown. Africans arrived in Virginia against theirwill in 1619. The arrival of Africans made it possibleto expand the tobacco economy. The arrival of additional women in 1620 made it possible for more settlers to startfamilies, which helped to establish Jamestown as a permanent colony in Virginia.	Essential Knowledge ~~Portuguese sailors captured African men and women fromwhat is present-day Angola. The legal status of these earlyAfrican men and women as either servants or enslaved persons once they arrived in Virginia is unknown.~~ Africans arrived in Virginia against their will in 1619. The first Africans who were forcibly brought to Old PointComfort were originally free people who were captured byPortuguese soldiers by hired mercenaries in an Angolian region of West Central Africa. ***---- EJS: It could be added that Africans also captured their fellow Africans to sell to European traders. Also that slavery was practiced in Africa, Asia, Europe, and South America at that time.***
VS.4e	Most enslaved African Americansworked tobacco, other crops, and livestock.	~~Most e~~Enslaved Africans ~~Americans~~ worked tobacco, othercrops, livestock, in industries including shipping, construction, and other trades. Africans came to America with prior knowledge of skilled trade. ***---- EJS: This change suggests that African in Virginia were exclusively field workers, which is not true.***

AMERICAN OVERSIGHT

Page 50

Standard	Original language	AAHEC Recommendation
VS.7a	Essential Understandings Because of economic differences, TheNorth and the South were unable to resolve their conflicts, and the Southseceded from the United States.	Essential Understandings Cultural, economic, and constitutional differences betweenthe North and the South based in slavery eventually resulted in the Civil War. ~~Because of economic differences, t~~The North and the South were unable to resolve their conflicts, and the South seceded from the United States. ***---- EJS: This is untrue. There were many cultural, economic, and constitutional differences between the North and South that were not based in slavery. Most obvious being that many northerners thought it was against the constitution to secede from the union, while many southerners believed it was consistent with the constitution to secede from the union. Many economic differences are also due to geography: the lands of the south happen to be more suitable for farming and agriculture. By narrowing the reasons for the start of the civil war to only slavery goes against the commission's stated goals of being inclusive. Exclusively mentioning slavery is anti-inclusive by definition.***

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
VS.7a	Essential Knowledge Differences between northern and southern states The economy in the northern part of the United States was more industrialized, while the economy in the southern part was agricultural and relied more on slave labor. Northern states wanted the new states created out of the western territories to be "free states," while the southern states wanted the new states to be "slave states."	~~Differences between northern and southern states~~ ● ~~The economy in the northern part of the United States was more industrialized, while the economyin the southern part was agricultural and relied more on slave labor.~~ ● ~~Northern states wanted the new states created outof the western territories to be "free states," while the southern states wanted the new states to be "slave states."~~ ***---- EJS: They likely want to remove this essential knowledge because it does not reinforce their political-racial agenda.***
VS.7a		Events leading to secession and war ● Abolitionists, The Fugitive Slave Act and the Underground Railroad were all contributing factors to the Civil War because most white southerners strongly believed they had the right to slavery. ***---- EJS: "Most white southerners strongly believed they had the right to slavery." Is an over-simplified generalization that happens to not be true.***
VS.7b	Major Civil War battles fought in Virginia	Major Civil War Events ~~battles fought~~ in Virginia ***---- EJS: There are many events mentioned throughout the curriculum. It is important to include a section specific to warfare during the Civil War.***

AMERICAN OVERSIGHT

Page 51

Standard	Original language	AAHEC Recommendation
VS.8a	Problems faced by Virginians duringReconstruction ● Hundreds of thousands of freed African Americans needed housing, education, clothing, food, and jobs.	● African Americans pushed for education for their children. This directly resulted in Freedom's First Generation of who some became doctors, lawyers, and teachers. African Americans saw education as a path togreater opportunities. Despite the obstacles they faced,many African Americans achieved excellence. ***---- EJS: Some Virginians disobeyed state law to educate African Americans (ie. Stonewall Jackson).***

Page 52-53

Course: United States History to 1865

Standard	Original language	AAHEC Recommendation
USI.1g	Experiences may include butare not limited to the following:	Experiences may include but are not limited to the following: ● Create a flowchart to show connections between what explorerswanted to accomplish in the west (e.g., find new land for farming) and the effect that these interests had on American Indians (e.g., American Indians were forcibly removed from their land and in many cases massacred ~~displaced from their land~~). Discuss how the relationship between the explorers and the American Indians changed over time. ***---- EJS: "Displaced" accurately captures the historical reality that 90% of American Indians died from disease, not forced removal or massacres. An emphasis is being placed on rare occurrences of massacred and suggesting that it was the norm.***

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
US1.5d	Women ● Worked as caretakers, house-workers, and homemakers ● Were not allowed to vote ● Had few opportunities forgetting an education Free African Americans ● Were able to own land ● Had economic freedom andcould work for pay and decide how to spend their money ● not allowed to vote	White Women ● Worked as caretakers, house-workers, and homemakers ● Were not allowed to vote ● Had few opportunities for getting an education Free African Americans ● Were able to own/inherit land ***in some cases*** ● Had limited economic freedom and could work for pay anddecide how to spend their money ***in some cases*** ● Had varying degrees of freedom and were not allowed to vote(men or women) ***---- EJS: The section is centered on the legality, not individual situations. And legally, the statements are true without "in some cases." The phrases "in some cases" were included to continually paint a negative picture of Africans in America in every possible facet of life.***
US1.6b	Essential Understandings The Declaration of Independence proclaimed independence from Great Britain. It stated that people have natural (inherent) rights tolife, liberty, and the pursuit of happiness.	Essential Understandings The Declaration of Independence proclaimed independence from Great Britain. It stated that people have natural (inherent) rights tolife, liberty, and the pursuit of happiness. ***In practicality, it only applied to white men at this time.*** ***---It is an objective of this commission to infuse race with every facet of history. MJK Jr. believed that the Declaration applied to him as an African American.***
USI.7b	The Constitutional Convention	The Constitutional Convention ● The Three-fifths Compromise perpetuated slavery in the UnitedStates. ***---- EJS: The Three-fifths Compromise was a "downright disability" on the South according to Frederick Douglas. The inclusion of it helped progress towards abolishing the institution of slavery. The addition by the commission is exactly the opposite of the truth.***

AMERICAN OVERSIGHT

US1.7c	● Thomas Jefferson ○ Lewis and Clark explored new land west of the Mississippi River;	● Thomas Jefferson ○ The Lewis and Clark Expedition, which ***included enslaved peoples Sacagewa and York***, explored–~~new~~ land west of the Mississippi River; ***---- EJS: It is an objective of this commission to infuse race and slavery with every facet of history.***

Page 55

Standard	Original language	AAHEC Recommendation
US1.8e	Essential Understandings The abolitionists worked to end slavery. The women's suffrage movement helped women gain equal rights.	Essential Understandings The abolitionists worked to end slavery. ~~The women's suffrage movement helped women gain equal rights.~~The beginning of the women's suffrage movement included both white and African American women known as suffragists. Not all white suffragists were in agreement that women of color should be extended the right to vote. ***---- EJS: It is an objective of this commission to infuse race with every facet of history.***
USI.9a	Essential Understandings Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War.	Essential Understandings ~~Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War.~~Strugglesover the future of slavery's expansion agitated the United States fordecades and led the nation into the Civil War. ***---- EJS: This is untrue. There were many cultural, economic, and constitutional differences between the North and South that were not based in slavery. Most obvious being that many northerners thought it was against the constitution to secede from the union, while many southerners believed it was consistent with the constitution to secede from the union. Many economic differences are also due to geography: the lands of the south happen to be more suitable for farming and agriculture. By narrowing the reasons for the start of the civil war to only slavery goes against the commission's stated goals of being inclusive. Exclusively mentioning slavery is anti-inclusive by definition.***

AMERICAN OVERSIGHT

-

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
US1.9a	Essential Knowledge Issues that divided the nation ● Slavery o While there were several differences between the North andthe South, the issues related to slavery increasingly divided the nation and led to the Civil War. o Much of America's economy revolved around the institutionof slavery. ● Cultural issues o The North was mainlyan urban society in which people held jobsin cities. o The South was primarily an agricultural society in which people lived in small villages and on farms and plantations. o Because of their cultural differences, people of the North andSouth found it difficult to agree on social and political issues. ● Economic issues o The North was more of a manufacturing region, and its people favored tariffs that protected factory owners and workers from foreign competition. o The South was largely agricultural. Southerners opposed tariffs that would cause	Essential Knowledge Issues that divided the nation o ... ● Cultural issues ● The North and the South shared a culture of Protestant Christianity, political beliefs based on the Constitution, andideals of personal property.~~The North was mainly an urbansociety in which people held jobs in cities.~~ o A culture of reform grew in the North, fed by the Second Great Awakening, aspirations of social improvement, activist women, and charismatic reformers.~~The South wasprimarily an agricultural society in which people lived in small villages and on farms and plantations.~~ o ~~Because of their cultural differences, people of the North andSouth found it difficult to agree on social and political issues.~~ ● In the South, white people argued that the Bible sanctioned slavery and that slaveholders acted as Christian protectors of enslaved people ● Black southerners saw themselves as a people held in bondage like the Israelites in the Bible and had faith theywould one day be delivered from slavery. ***---- EJS: There is no reason to remove the fact that "The North was mainly an urban society in which people held jobs in cities" and "The South was primarily an agricultural society in which people lived in small villages and on farms and plantations." If the commission would like to include denominational references to the church (as their edits in this section would suggest), "Second Great Awakening" should be "Second Great Awakening of Protestant Christianity."*** ***"In the South, white people argued that the Bible sanctioned slavery and that slaveholders acted as Christian protectors of enslaved people" should be countered with the fact that in the north white people argued that the Bible condemned slavery. The only reason to not include a counter-point to their addition would be to maintain their narrative of negativity and oppression.*** ● Economic issues

AMERICAN OVERSIGHT

		~~The North was more of a manufacturing region, and its people favored tariffs that protected factory owners andworkers from foreign competition.~~ ~~o The South was largely agricultural. Southerners opposedtariffs that would cause prices of manufactured goods to increase. Planters were also concerned that Great Britainmight stop buying cotton from the South if tariffs were added.~~ ● In both the North and the South, most people were farmers ● About a fourth of white Southern families owned enslavedpeople and grew wealthy from their labor. ***---- EJS: There is no reason to remove details about the economic differences between the north and the south. It was likely a suggested deletion because it did not maintain their narrative of negativity.***

Standard	Original language	AAHEC Recommendation
	prices of manufacturedgoods to increase. Planters were also concerned that Great Britain might stop buying cotton from theSouth if tariffs were added. ● Constitutional issues ● A major conflict wasstates' rights versus strong central government.	● ~~Constitutional issues~~ ● ~~A major conflict was states' rights versus strong centralgovernment.~~ ***---- EJS: Removing States' rights as an element of the Civil War, which many argued was the reason for secession, goes against the commission's stated goals of being inclusive.*** ● Political Issues ● Voters in the North and the South belonged to the samepolitical parties from the 1820s through the 1850s: Democrats and Whigs. ● The two parties found ways for the divergent interests of the North and South to be compromised. ● The emergence of the Republican Party in the late 1850s gave voice to Northerners angry at Southern dominance ofthe federal government out of proportion to white population. ● These political differences, fed by the invention of the telegraph and the spread of newspapers, led the South to secede. ***---- EJS: Advocates of slavery were primarily found within the Democratic Party.***

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
USII.1g		• Create a timeline that illustrates the role of Jim Crow (segregation) laws in the 20th century and how those laws restricted the rights, economic decision-making, and choices of African Americans
USII.1h	Problem: Which of the following amendments to the United States Constitution is most important	Deletion ***---- EJS: An attempt to remove an objective analysis of the Constitution while replacing it with a timeline creation of a negative depiction of America.***

Page 57

Standard	Original language	AAHEC Recommendation
USII.3b	The student will apply social science skills to understand theeffects of Reconstruction on American life by b) describing the impactof Reconstruction policies on the South and North; Essential Understanding The Reconstruction policies were harsh and created problems in theSouth. Reconstruction attempted to define the means by which all Southerners could live together equally.	Essential Understanding ~~The Reconstruction policies were harsh and created problems inthe South.~~ ~~Reconstruction attempted to define the means by which allSoutherners could live together equally.~~ Reconstruction attempted to create legal equality for free andformerly enslaved African Americans. The Amendments to the Constitution during Reconstruction laidthe legal foundation for the equality of all Americans, which we continue to pursue. ***---- EJS: Reconstruction policies were devastating for southern farmers trying to rebuild, there is no reason to remove the fact that such policies were "harsh and created problems."*** ***"Which we continue to pursue" is a philosophical and political statement, which should not be included in the history curriculum.***

Page 58

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
USII.3b	Essential Knowledge Reconstruction policies andproblems ● Southern military leaders could not hold office. ● African Americans couldhold public office. ● African Americans gained equal rights as a result ofthe Civil Rights Act of 1866, which also authorized the use of federal troops comprisedmainly of Northern soldiers for its enforcement. ● Southern states adopted Black Codes to limit the economic and physical freedom of former slaves. ● Federal troops supervised the South. ● The Freedmen's Bureauwas established to aid former enslaved AfricanAmericans in the South. ● Southerners resented Northern "carpetbaggers," some ofwhom took advantage ofthe South during Reconstruction.	Essential Knowledge Reconstruction policies and problems ● ~~Southern military leaders could not hold office.~~ ● ~~African Americans could hold public office.~~ ● ~~African Americans gained equal rights as a result of the Civil Rights Act of 1866, which also authorized the use of federal troops comprised mainly of Northern soldiers for itsenforcement.~~ ● ... ● Southern states adopted Black Codes to limit the economicand physical freedom of former slaves. ● After the adoption of the Reconstruction laws, former Confederates states could not be readmitted to the UnitedStates until they held conventions to write new constitutions that adopted the 14th Amendment ● African American men could vote for delegates to thoseconventions and serve as delegates ● Federal troops supervised the South. ● ~~...~~ ● ~~Southerners resented Northern "carpetbaggers," some of whom took advantage of the South during Reconstruction.~~ ● The state governments under Reconstruction adopted lawsto create public education and new state institutions ● Most white Southerners resisted the Reconstruction governments and worked to replace them as soon aspossible ● ... ***---- EJS: There is no reason to remove the first three bullet points. It was likely a suggested deletion because it did not maintain their narrative of negativity and oppression.*** ***There is no reason to delete the reference to "carpetbaggers." The reason for deletion is likely to eliminate any possibility that northerners were taking advantage of the south at that time.***
USII.3c	Abraham Lincoln ● Issued Reconstruction plancalling for reconciliation ● Believed preservation of theUnion was more important than punishing the South	Abraham Lincoln ● His plan for ~~Issued~~ Reconstruction was not fully formed atthe time of his assassination in April 1865 p~~lan calling for reconciliation~~ ***---- EJS: The statement that Lincoln called for reconciliation should remain. It was likely a suggested deletion because it did not***

AMERICAN OVERSIGHT

		maintain their narrative of negativity and oppression for blacks.

Page 59

Standard	Original language	AAHEC Recommendation
		● The resistance of white Southerners to the rights of formerly enslaved people, in Black Codes and violence, led Lincoln's party to begin a more thorough Reconstruction two years after the war's end ~~Believed preservation of the Union was more important than punishing the South~~ ***---- EJS: The additional information about "two years after the war's end" is acceptable, but the final line shouldn't be removed: "[Lincoln] Believed preservation of the Union was more important than punishing the South." There is no reason to remove that, other than the commission's continue objective to remove positive or benevolent statements about white Americans.***
USII.3c	Robert E. Lee ● Urged Southerners to reconcile with Northernersat t~~h~~e end of the war and reunite as Americans when some wanted to continue tofight	Robert E. Lee ● Remained silent as laws to create equality for African Americans were proposed and did not encourage white Southerners to cooperate. ***---- EJS: He was not silent. He encouraged interracial religious worship and spoke against slavery before and after the Civil War.*** ● After his death, Lee became the leading symbol for the "Lost Cause" movement, in which white Southerners celebrated the leaders of the Confederacy as fighters for a just cause ***rather than the creation of a new nation based on slavery.*** ***---- EJS: The Confederate States were divided about the future of slavery. The Confederate States' Constitution was not based on the existence of slavery.***

Page 66

Standards	Original Language	AAHEC Recommendations

AMERICAN OVERSIGHT

VUS.2b	Interactions among American Indians, Europeans, and Africans ● The first Africans were broughtagainst their will to Jamestown Virginia, in 1619 to work on tobacco plantations. The growth of an agricultural and mercantile economy based on large landholdings in the Southern colonies and in the Caribbean, and trade in the New England colonies, led an enslaved labor force. ● This system eventually led tothe introduction of African slavery in British North America.	Interactions among American Indians, Europeans, andAfricans ● The first Africans were brought against their will to Old Point Comfort (Fort Monroe), Virginia, in 1619 to work on plantations, were taken from the Ndongo which is modern-day Angola . The growth of an agricultural and mercantile economy based on large landholdings in the Southern colonies and in the Caribbean, and trade in the New England colonies, ledwealthy English colonists to adopt an enslaved labor force despite their fear of bringing an alien people intothe colony. This system eventually led to the introduction of African slavery in British North America. ***---- EJS: The Africans taken from Angola were captured by their fellow Africans and sold to merchants.***

Page 67

Standards	Original Language	AAHEC Recommendations
VUS.3c	Essential Understandings American colonial reliance on a cheap, eventually conflicted with the founding principles establishedin the Declaration of Independence. Essential Knowledge The development of indentured servitude and slavery. ● Although some Africans worked as indentured servants,earned their freedom, and livedas free citizens during the colonial era, over time larger and larger numbers of enslaved Africans,, were forcibly brought	Essential Understandings ● Although some Africans worked as indentured servants, earned their freedom, and lived as free citizens during the colonial era, over time larger andlarger numbers of enslaved Africans, for nearly two thousands years, were forcibly brought to the American colonies via the Middle Passage. ***---- EJS: America has not been in existence for "two thousands years."***

Page 68

Standards	Original Language	AAHEC Recommendations
VUS.4a	The French and Indian War ● Was the first step on the roadto the American Revolution	The French and Indian War ● Turned out to be Was the first step on the road to theAmerican Revolution ***---- EJS: Grammatical error.***

Page 69

Standards	Original Language	AAHEC Recommendations

AMERICAN OVERSIGHT

VUS.6a\ (cont'd)	Impact on the American Indians ● During this period of westwardmigration, American Indians were repeatedly defeated in violent conflicts with settlers and soldiers and forcibly removed from their ancestral homelands. They were either forced to march far away from their homes (the Trail of Tears,when several tribes were relocated from Atlantic Coastalstates to present-day Oklahoma) or confined to reservations.	Impact on the American Indians ● The forced migrations led to the deaths of up to a thirdof the indigenous people forced to move with inadequate supplies and protection. ***---- EJS: Overall, around 90% of all American Indian deaths were related to disease. Neglecting this fact in all references to American Indian deaths is an attempt to depict all American Indian deaths as the result of warfare and massacres.***

Standards	Original Language	AAHEC Recommendations
VUS.6g	Essential Understandings The events of the 1850s, combined with the lack of strong presidentialleadership, led to the secession of Southern states. Sectional tensions originating withthe formation of the nation, ultimately resulted in war betweenthe Northern and Southern states. Essential Knowledge - Causes of the Civil War ● Sectional disagreements and debates over tariffs, extensionof slavery into the territories,nature of the Union (states' rights) ● While there were several differences between the Northand the South, ● Northern abolitionists vs. Southern defenders of slavery ● Publication of Uncle Tom's Cabin by Harriet Beecher Stowe ● United States Supreme Court decision in the Dred Scott case ● A series of failed compromises over the expansion of slavery inthe territories and the Fugitive Slave Act	Essential Understandings Cultural, economic, and constitutional differences betweenthe North and the South ***all of them based in slavery*** eventually resulted in the Civil War. ***---- EJS: This is untrue. There were many cultural, economic, and constitutional differences between the North and South that were not based in slavery. Most obvious being that many northerners thought it was against the constitution to secede from the union, while many southerners believed it was consistent with the constitution to secede from the union. Many economic differences are also due to geography: the lands of the south happen to be more suitable for farming and agriculture. By narrowing the reasons for the start of the civil war to only slavery goes against the commission's stated goals of being inclusive. Exclusively mentioning slavery is anti-inclusive by definition.***

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
VUS.7b	Emancipation Proclamation ● Allowed for the enlistment of African American soldiers in the Union Army	Emancipation Proclamation ● Allowed for the enlistment of African American soldiers and sailors in the Union ArmyUnited Statesmilitary ***---- EJS: Grammatical error.***

Page 73

Standards	Original Language	AAHEC Recommendations
VUS.8a	Essential Understandings This growth, while positive forsome, resulted in more displacement for American Indians.	Essential Understandings This growth, while positive for some, resulted in more displacement for American Indians. destroyed ways of lifethat American Indians had practiced for centuries and dispossessed them from their homes. ***---- EJS: Overall, around 90% of all American Indian deaths were related to disease. Neglecting this fact in all references to American Indian deaths is an attempt to depict all American Indian deaths as the result of warfare and massacres.***

EJS: The idea of changing history standards on the basis of race is foolish and harmful to quality education. Virginia's demographics include: White 67%, Black 19 %, Asian 6 %, Native American 1%, and Pacific Islander 1%. If mandates are issued for Black history additions to the curriculum, it would be unreasonable to not include all of the other racial groups. There is also a lot of diversity within those other racial groups: biological sex, class, education, religion, etc. To honestly promote equality for all, there would need to be mandates for all identity group combinations. Why only focus on inserting more Black History into the curriculum when you're neglecting poor male Asians, Native American females with Ph.Ds, wealthy male Pacific Islanders? And if you mandate history curriculum for those identity groups, you might be neglecting the rich female Asians, Native American males with Associates Degrees, and poor female Pacific Islanders. The combinations are endless, which is why it is foolish to analyze history curriculum on the basis of race or any other identity group characteristic.

AMERICAN OVERSIGHT

Final Report of the

Virginia Commission on African American History Education in the Commonwealth

August 2020



AMERICAN OVERSIGHT

VA-22-0316-A-000031

TABLE OF CONTENTS

I. Executive Summary..... 4
II. Commission Background 6
A. Membership, Leadership, Organization and Support 6
B. Meetings and Subcommittees.....6
C. Shared Vision and Driving Principles 7
III. Standards Subcommittee Recommendations.....9
IV. Professional Development Recommendations.....13
V. Conclusion.....20
VI. Appendices.....21
A. Commission Roster 21
B. Meeting Agendas.....23
C. Summary of Public Listening Sessions.....30
D. Curriculum Framework Edits for Consideration.....45
E. Recommended Revision to the Standards Review Process.....77
F. List of Resources, Scholars, and Partner Organizations to Support Implementation.....79

AMERICAN OVERSIGHT

Virginia is the place where enslaved Africans first landed and where American representative democracy was born.

Virginia is the place where emancipation began and the Confederate capitol was located.

Virginia is the place where schools were closed under Massive Resistance, rather than desegregate and allow Black children to attend, and it is the state that elected the nation's first African American governor.

Virginia is a place of contradictions and complexity. We take a step forward and, often, a step back.

We have to acknowledge that. We have to teach that complexity to our children, and often to our adults. We are a state that for too long has told a false story of ourselves.

The story we tell is insufficient and inadequate, especially when it comes to Black history. We must remember that Black history IS American history.

That's why I signed an executive directive to establish a Commission on African American History Education in the Commonwealth.

This Commission will review our educational standards, instructional practices, content, and resources currently used to teach African American history in the Commonwealth. We want to make sure all students develop a full and comprehensive understanding of the African-American voices that contribute to our story.

While we cannot change the past, we can use it and learn from it. When we know more, we can do more.

As we reckon with the painful legacy of Virginia's racist past, and acknowledge that it continues to shape our present, we can and must continue to act to improve the future. We must work to tell our full and true story.

It is our job—all of us that make up this diverse society—to ensure that when the next generation looks back—a generation that is hopefully more inclusive than we have been—they see a more accurate narrative, one that tells the truth, and includes everyone.

Governor Ralph S. Northam
Old Point Comfort, August 24th, 2019
Commemoration of the First African Landing

AMERICAN OVERSIGHT

I. Executive Summary

On August 24th, 2019 at Old Point Comfort, the site where the first enslaved Africans arrived on Virginia shores 400 years earlier, Governor Ralph Northam signed Executive Order Thirty Nine and announced the establishment of the *Virginia African American History Education Commission.* The Governor charged the Commission with thoroughly examining the Commonwealth's K-12 curricula, professional development practices, and instructional supports to make recommendations for improving the way African American history is taught in Virginia schools. Governor Northam appointed a diverse, talented, and vibrant group of individuals to serve on this Commission including educators, historians, museum curators, school board members, faith leaders, school administrators, and citizens across the Commonwealth.

Executive Order Thirty Nine tasked the Commission with issuing a report no later than September 1, 2020, with recommendations including but not limited to:

1. Technical edits to and recommendations for enriched standards related to African American history;
2. Broader considerations for the full history and social studies standards review process; and
3. Necessary professional development and instructional supports for teachers to ensure culturally competent instruction

In this final report, the Commission offers extensive recommendations to ensure that content in Virginia schools is accurate, inclusive, and relatable, and to equip educators with the skills necessary to teach in a culturally responsive manner. When implemented, the Commission's recommendations will enable all Virginia students to develop a comprehensive understanding of the African American voices that contribute to Virginia's story.

Standards Recommendations

Even though Virginia led the nation in developing high quality content standards more than 25 years ago, the standards were tainted with a master narrative that marginalized or erased the presence of non-Europeans from the American landscape. These historical silences skew our perspective of the past, erasing people of color, and supplanting them with false narratives that ignore the diverse cultural underpinnings in American society.

While revised regularly by historians and experts, Virginia's History and Social Studies Standards of Learning continue to be incomplete with regards to incorporating African American history into the larger narrative. Therefore, the Commission was tasked with making recommendations to ensure that the standards are more inclusive of African American history and provide opportunities for students to engage the content deeply, drawing connections to its relevance in our contemporary communities. The Standards Subcommittee therefore recommends the following:

- The State Superintendent for Public Instruction should approve technical edits to the Curriculum Framework for the following courses: Virginia Studies, United States History I and II, and Virginia and United States History. Any edits that fall outside the purview of technical adjustments should be considered during the regular standards review process by the Board of Education. All recommended edits can be found in Appendix D.
- The Board of Education ought to revise its standards review process and practice to be more inclusive of diverse perspectives. An updated review process chart can be found in Appendix E.
- The Board of Education should consider including 10 key concepts in its history and social studies standards to ensure that African American history is not taught separately, but is truly a cohesive part of the teaching of all history.

AMERICAN OVERSIGHT

- The Board of Education ought to approve the teaching of history as a requirement at all levels in K-12 to ensure that all of Virginia's citizens are educated about the history of Virginia and the nation.

Professional Development Recommendations

Additionally, the Commission recognized that change in the delivery of content will only be successful if teachers and school leaders are appropriately supported and equipped to do so. The professional development subcommittee developed six key recommendations to ensure Virginia educators achieve proficiency in culturally relevant teaching and gain appropriate foundational knowledge in African American history. Their recommendations are to:

- Revise Virginia's Teacher Evaluation Regulations and Virginia's Uniform Performance standards for School Leaders to include cultural proficiency efficacy.
- Require every Virginia educator to certify that they have enrolled in Cultural Competency Professional Development by 2022.
- Allocate funding and personnel resources to develop and implement comprehensive professional development in the areas of cultural competency and African American History content for Virginia educators.
- Mandate certification (Continuing Education Units) in African American History for all holders of education licenses issued by the Virginia Department of Education (this includes initial licensure and renewals).
- Amend requirements for licensure endorsements in History/Social Science to require evidence of course study in African American History.
- Require a credit in African American History as a new requirement for graduation in Virginia. *The new elective course in African American History developed by VDOE and WHRO could be used to fulfill this requirement.*

Conclusion

The timing of the report reinforces the urgent and critical need we have as a society to better understand African American history and the ways in which our racial history continues to influence policies and systems today. The Commission wrote this final report in the midst of a global pandemic that disproportionately impacts communities of color. They worked against the backdrop of protests and outrage at the murder of George Floyd and too many other Black Americans in the name of law and order.

Understanding history imbues citizens with a deep and complex knowledge about their community and their nation. An effort to change the way citizens of Virginia are educated about history, with a special emphasis on incorporating African American history into the larger narrative, has never been more important. The Commission shares a strong sense of urgency for policymakers to act and implement the recommendations necessary to achieve a vision for a more just and inclusive Virginia.

AMERICAN OVERSIGHT

II. About the Commission

Membership, Leadership, Organization and Support

Governor Northam appointed a diverse, talented, and vibrant group of individuals to serve on this Commission including educators, historians, museum curators, school board members, faith leaders, school administrators, teachers, and citizens across the Commonwealth. The Commission was chaired by Dr. Derrick Alridge, Professor of Education and Director of the Center for Race and Public Education in the South, Curry School of Education and Human Development, University of Virginia; Dr. Cassandra Newby-Alexander, Dean of the College of Liberal Arts and Professor of History, Norfolk State University; and Dr. Rosa Atkins, Superintendent, Charlottesville City Schools. Dr. Alridge chaired the Professional Development Subcommittee; Dr. Newby-Alexander chaired the Standards Subcommittee and Dr. Atkins served as co-chair and Commission facilitator. Other key leadership included Virginia's Secretary of Education Atif Qarni and Superintendent of Public Instruction Dr. James Lane.

A complete roster with titles and affiliations can be found in Appendix A.

In order to fulfill the charge of the Commission, the group was organized into two subcommittees, one focused on Standards Revisions, chaired by Dr. Newby-Alexander; and the other focused on Professional Development, chaired by Dr. Derrick Alridge. The Standards Subcommittee focused on reviewing Virginia's history standards of learning, and the instructional practices, content, and resources currently used to teach African American history in the Commonwealth. At times, the Standards Subcommittee broke into smaller groups to work separately on technical edits, recommendations for the standards revision process, and examining the need for a comprehensive overhaul of the standards. Afterwards, the entire subcommittee reconvened and meticulously reviewed all edits, reaching a consensus on language and content. Meanwhile, the professional development subcommittee developed recommendations to better prepare Virginia teachers to teach African American history and apply culturally responsive pedagogical practices in their classrooms.

Staff from the Office of the Secretary of Education and Virginia Department of Education supported the Commission's work and convened its meetings. Additionally, the Intercultural Development Research Association (IDRA) contributed its expertise in standards revision and professional development to the Commission, supporting the VDOE and Secretary's staff by recording and transcribing meetings and listening sessions.

Meetings and Listening Sessions

The Commission began meeting in the fall of 2019, and met seven times over the course of the following year in different parts of the Commonwealth. In these meetings plenary presentations were made by local and national experts on a range of related topics. Additionally, the subcommittees met in small groups at each of these meetings to discuss, develop and draft their recommendations. All meetings were open to the public, and time was allocated for public comment at each meeting. This ensured that a wide variety of voices could be heard by Commission members. Verbal and written public comment was received from students, educators, families, advocacy groups, and citizens.
To view the written public comments submitted to the Commission, see the Commission's Dropbox file.
A complete set of meeting agendas can be found in Appendix B.

The Commission also sought community input during a series of public listening sessions during the spring of 2020 as it examined how to best strengthen the Virginia history standards, and improve African American history education in classrooms across the Commonwealth. Approximately 300 people attended the first three listening sessions in Roanoke, Richmond, and Norfolk with panelists and

AMERICAN OVERSIGHT

members of the public alike providing robust public comment to Commission members at these events. Sessions in Danville and Woodbridge were cancelled due to COVID-19, and a survey was developed to obtain comment from those unable to attend a listening session.

A summary of these sessions can be found in Appendix C.

The Why & A Shared Vision

Why African American History? Why Now?

As Governor Northam said in his August 24th address, the history of African Americans in Virginia, and our nation, is difficult, complex and often untold. On the day Governor Northam established the Commission on African American History Education, Virginia honored the First African Landing, the 400th anniversary of the arrival of enslaved Africans on Virginia shores at Old Point Comfort. Only a few weeks earlier in Jamestown, white landowning men gathered to establish a system of representative government, our modern day democracy. That system did not represent the newly arrived Africans, who were forced from their homes and into a system of chattel slavery and systematic oppression. 400 years of American history later, Black people in Virginia endured not only decades of enslavement, but also Jim Crow terror and discrimination, Massive Resistance, and modern day iterations and remnants of government sanctioned Black oppression. Virginia has failed to fully represent African Americans in its history, contributing to a legacy of racism that has seeped into systems that impact every individual and every aspect of American life, including our classrooms.

Segregationist education policies codified into law and support of Massive Resistance in Virginia underscore the importance of this Commission's work. Well before the landmark 1954 school desegregation case, Brown v. Board of Education, African American high school students led by Barbara Johns organized a student walkout at Robert Russa Moton High School in Farmville, Virginia, to protest its substandard conditions. While the Brown decision affirmed that Black students had a constitutional right to adequate schooling, there would be a struggle for equal access to a high quality education for years to come. It is this history that contextualizes the inequities leaders continue to work towards eradicating in Virginia's public education system today; thus a robust understanding of this important history and its continuous influence on our communities today should be an essential component of the knowledge gained by every Virginia student.

The Governor's creation of the Commission on African American History Education in Virginia provided an opportunity for the Commonwealth's schools, educators, students, and families to reaffirm their commitment to breaking down these monumental inequities, and to tell a truer, better, and more honest Virginia story.

Shared Vision

As its members came together to embark in the process, the Commission identified a number of shared goals and vision for their work. The Commission's vision for progress as it relates to the teaching of African American history and the cultivation of culturally responsive school buildings included:

- **More inclusive standards.** The Commission approached the work of improving African American history standards in the Commonwealth by first acknowledging that African American students have often been excluded from learning their own history. The group shared a broader goal of ensuring that African American history be in all classrooms 180 days a year, not just during Black History month or specific history courses. The Commission emphasized that educators should take an interdisciplinary approach and seek to represent diverse perspectives in all subject areas to enrich student education.

AMERICAN OVERSIGHT

- **Culturally responsive pedagogy.** Early in its work, the Commission agreed that all students in the Commonwealth should be able to maximize their individual learning potential and engage in deeper learning. To ensure students can engage deeply in content, Virginia must empower educators to teach their students in ways that are relevant to their lives and experiences. The Commission embraced culturally responsive pedagogy because it recognizes the importance of students' cultural references in all aspects of learning and does not just reinforce the values of the dominant culture.

- **Support for educators.** Reinvigorating African American history in the Commonwealth cannot be changed without altering policy, practices, and teacher preparation. The Commission believes that every educator and school leader needs to be connected to this work and supported in meaningful ways. Additionally, successful culturally-responsive pedagogy requires educators to make changes in instructional techniques, materials, student-teacher relationships, classroom climate, and self-awareness. Educators must view all of their students through an asset-based lens and create learning communities where all heritages are valued. They must challenge stereotypes, prejudices, racism, and other forms of intolerance and oppression.. This requires significant resources and supports over an extended period of time.

- **Anti-racist school communities.** As Virginia commits to cultivating more empathetic and anti-racist school communities, it is imperative we change school names and mascots that memorialize Confederate leaders or sympathizers. These school names and symbols have a traumatizing impact on students, families, teachers, and staff. As Governor Northam wrote in his July 6th letter to School Board Chairs, "When our public schools are named after individuals who advanced causes of slavery and systemic racism, and we allow those names to remain on school property, we tacitly endorse their values as our own. This is no longer acceptable."

The shared goals of the Commission drove the conversation and development of recommendations by each of these subcommittee, as they charted pathways from the current realities to a bold vision for African American history education in the Commonwealth. These pathways are laid out in greater detail in the next two sections detailing the final recommendations.

AMERICAN OVERSIGHT

III. Standards Subcommittee Recommendations

"When we look back at events of 1619, or 1861, or 1964, when the Civil Rights Act was signed, we often look at them as history—frozen in time or locked in a book, relics of the past. We memorize dates, but not connections. We don't teach the themes that appear in our history over and over again. We often fail to draw the connecting lines from those past events to our present day. But to move forward, that is what we must do."

- Governor Northam

The standards subcommittee, chaired by Dr. Cassandra Newby-Alexander, was tasked with three major objectives as it relates to Virginia's History and Social Students standards. This included:

1) making recommendations for technical edits to the Virginia's History and Social Science Standards of Learning (SOL);
2) identifying how the standards can be organized and improved to provide a more comprehensive picture of the African American story; and
3) how Virginia can improve the standards revisions process itself.

This section of the report reflects the Subcommittee's work in those 3 areas, as well as additional background and context for Virginia's standards and the process by which they are revised.

About Virginia's History and Social Science Standards

The Commonwealth has long been known for its rigorous academic standards, including its history and social science standards of learning (SOL). First established in 1995, the standards of learning were created to raise and align the expectations for all students in public schools. The SOL establishes minimum expectations for the skills and knowledge a student should be able to demonstrate at the end of each grade or course. The standards fall under the purview of the Virginia Board of Education, which establishes a regular schedule for reviewing each SOL, typically once every 7 years. It is the responsibility of the Virginia Department of Education to facilitate the review process, gather input, and make recommendations to the Virginia Board of Education.

The Virginia Department of Education relies heavily on stakeholder input to create, revise and update the standards during the formal SOL review process. Since its inception the standards have been routinely updated based on feedback from practitioners, historians, community members, and stakeholders. The Standards Subcommittee of the Commission on African American History Education developed comprehensive recommendations and feedback for the consideration of the Virginia Department of Education and Virginia Board of Education during their regular review of the History and Social Studies standards which is scheduled to begin in early 2021.

Below is a summary of the work conducted by each workgroup, and the recommendations that emerged from their collaborative effort.

Technical Edits

Technical edits are made to inaccurate statements found in the Curriculum Framework with the final approval of the Superintendent of Public Instruction and communicated through a Superintendent's Memo to school divisions.

The Technical Edits Workgroup reviewed every Standard of Learning in Virginia's mandatory history and social studies courses to ensure that the content educators are teaching in our schools is accurate, inclusive, and relatable. They made detailed recommendations for edits, which are found in Appendix D. The workgroup recognizes that some of the edits may be beyond the scope of technical, and recommend

AMERICAN OVERSIGHT

any changes that cannot be immediately made by the State Superintendent be considered by the Board of Education in the regular review of the standards in 2021.

The Technical Edits Workgroup summarized the recommended changes as follows:

1. The elementary-level language was changed to make it more inclusive, covers diverse backgrounds, and highlights African American landmarks so that students can become acquainted with the importance of community history.
2. Important historical figures with diverse perspectives and contributions to the history and culture of Virginia and the United States were included throughout the curriculum so it is up to date and contains a range of African Americans to whom students can relate
3. Terms and content relevant to African American history are introduced in earlier grades
4. Information added and corrected in the U.S. history curriculum on the topics of slavery, the abolitionist movement, the Civil War, Reconstruction, lynching, and other important matters in African American history that had been omitted or distorted

This range of strategies can best be illustrated by concrete examples of suggested edits in the curricular frameworks. The examples below are from the 11th grade curricular frameworks because they are the most detailed.

The existing standards explain the causes of the Civil War with the following sentences:

> *Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War.*
>
> *Sectional tensions, originating with the formation of the nation, ultimately resulted in war between the Northern and Southern states.*

The language above is passive, evasive, and circular. Below is the version with the subcommittee's suggested technical edits incorporated:

> *Cultural, economic, and constitutional differences between the North and the South, all of them based in slavery, eventually resulted in the Civil War.*
>
> *Sectional tensions over slavery, originating with the formation of the nation, ultimately resulted in war between the Northern and Southern states.*

The sentences above are active, clear, and responsible. Throughout the standards, the subcommittee suggests altering the meaning of the frameworks by including Black people as active in their own and other's history. For example, African Americans are not mentioned in the era of American Revolution; so the subcommittee suggests they are included, with special attention given to the efforts of thousands to become free by joining with the British.

These are a few examples of hundreds of proposed technical edits (see Appendix D) which correct the record by making it more complete, concrete, balanced, and active. If teachers can include these emphases, which are fundamental to American history but take no more class time than the standards as currently written, they can make their classes better for all students.

Standards Overhaul

In addition to examining the need for technical edits, the Standards Subcommittee had a workgroup that looked more cohesively at the standards as a whole. The standards overhaul group reviewed the

AMERICAN OVERSIGHT

organization of Virginia standards, and recommended changes for consideration by the Virginia Board of Education. They recommend changing the way history and social studies courses order their content, and encourage educators to teach content thematically so that students can more easily make connections and apply knowledge to their modern context. The standards overhaul work continually intersected with the technical edits group, and the two groups often met together to work collaboratively toward comprehensive recommendations.

Standards Overhaul Recommendations

- Develop a curriculum framework that addresses 10 key concepts that ensure African American history is not segregated from U.S. history in general. The concepts are:
    - Freedom – The absence of necessity, coercion, or constraint in choice or action
    - Imperialism and Nationalism
        - Imperialism - The extension or imposition of power, authority, or influence by one nation over another
        - Nationalism – A sense of national consciousness exalting one nation above all others and placing primary emphasis on promotion of its culture and interests as opposed to those of other nations or supranational groups
    - Colonialism – The policy or practice of acquiring full or partial political control over another country, occupying it with settlers, and exploiting it economically
    - Racism and Systemic Racism – Prejudice, discrimination, or antagonism directed against someone of a different race based on the belief that racial differences produce an inherent superiority of a particular race
    - Capitalism and Economic Motivation
        - Capitalism – An economic and political system motivated by profit and characterized by private or corporate ownership of capital goods, by investments that are determined by private decision, and by prices, production, and the distribution of goods that are determined mainly by competition in a free market
        - Economic Motivation – The degree to which an individual needs or is driven to gain money, things, or experiences for which a monetary value can be calculated.
    - Citizenship – The state of being conferred with the rights, obligations, privileges, and duties of a citizen
    - Servitude and Enslavement
        - Servitude – a condition in which one lacks liberty, especially to determine one's course of action or way of life, that includes compulsory service or labor
        - Enslavement – The forced process of positioning a person as the legal property of another and forcing them to continue forever
    - Advocacy and Agency
        - Advocacy – An activity by an individual or group that aims to influence decisions within political, economic, and social systems and institutions
        - Agency – The capacity of individuals to act independently and to make their own free choices
    - Cultural Expressionism – Those who value and convey their culture through the creation and expression of their culture through art, literature, music, linguistics, folkways, customs, cuisine, architecture, and economy.
    - Invasion and Colonization
        - Colonization – Bringing into subjection or subjugation, and implies the subjugation or pacification of a people, and taking of a pre-populated land
        - Invasion – when an army or country uses force to enter and take control of another country

AMERICAN OVERSIGHT

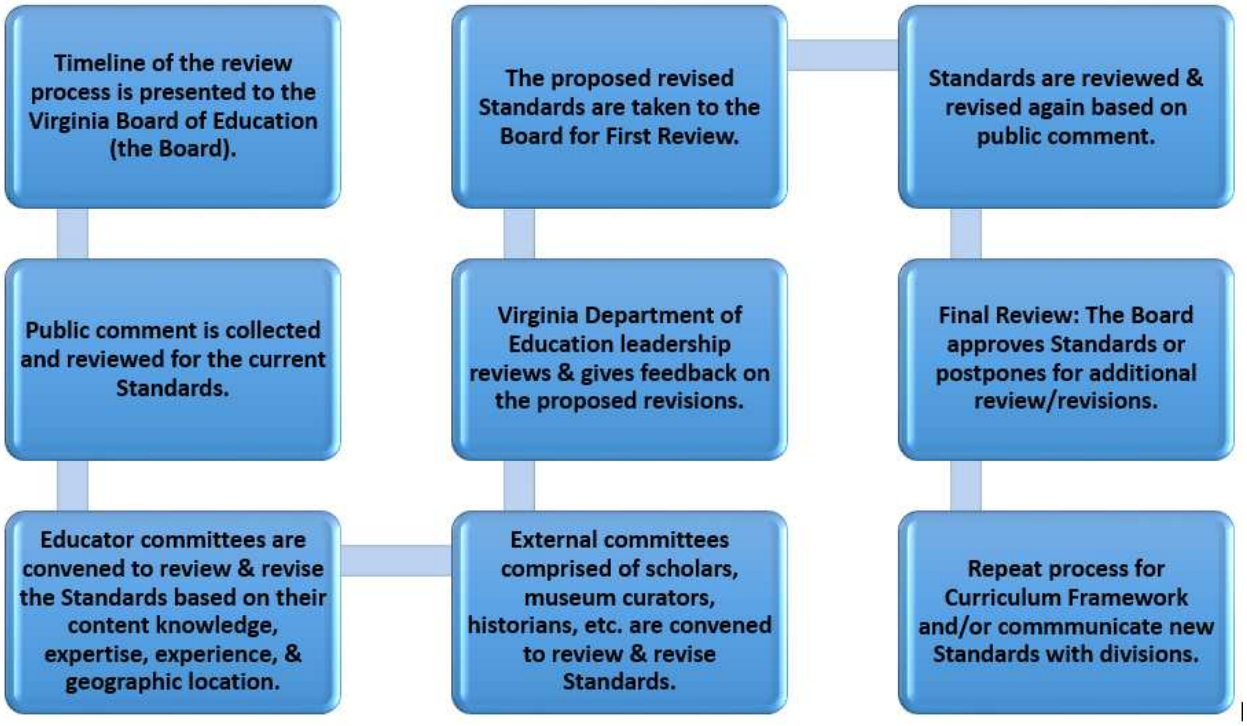
- Revise or eliminate standards that are inaccurate or out of date.
- Secure funds for professional development to equip educators to teach to the new standards after they are implemented.

Process Revision

The process revision group reviewed the method by which the standards of learning and curriculum frameworks are updated to ensure a diverse range of stakeholder input is collected throughout the process. The group recommends expanding outreach to teachers and other external groups to allow for more voices from around the Commonwealth to contribute to development of the standards. They also propose adding a steering committee to provide the opportunity for collaboration between the content experts and the practitioners. Together, these steps allow for a wide range of perspectives to be heard, create space for incorporation of pedagogical recommendations, and ensure all content incorporated into the standards is historically accurate and inclusive.

Original Process to Modify Standards

The flow chart below demonstrates the current process by which the Standards of Learning and Curriculum Frameworks are modified.



The recommendations below document the group's proposed changes to the process outlined above. These recommendations ensure the process is more inclusive by seeking out public comment and leadership from a diverse array of stakeholders.

Recommendations

- Convene a steering committee made up of historians, educators, and other individuals with content knowledge to review and revise the content recommended in the standards process.
- Provide outreach to encourage parents, students, educators, and administrators across the Commonwealth to give feedback on the proposed standards as part of the public comment process.

AMERICAN OVERSIGHT

- Ensure that all comments, perspectives, events are thoroughly vetted and determine next steps on how to revise inaccurate content in the standards of learning and curriculum frameworks.
- Expand the external and educator groups so that a wide range of experiences, cultural perspectives, and pedagogical preferences are represented.
- Secure funds for expanding the educator and external committees.

A flow chart documenting the Process Revision group's full recommendations can be found in Appendix F.

Conclusion

In order to truly change what and how African American history is taught in Virginia classrooms, modifications are necessary at a technical level, holistically to the set of standards spanning multiple grade levels,* and to the ways in which Virginia goes about revising the standards on a regular basis. The work and recommendations of the three Standards Subcommittee workgroups are intertwined and presented as a cohesive set of actions for policymakers to implement over time.

AMERICAN OVERSIGHT

IV. Professional Development Subcommittee Report

"If we are going to begin to truly right the wrongs of our four centuries of history, if we are going to turn the light of truth upon them, we have to start with ourselves. For too long, the burden has been on individuals and communities of color to lead these discussions. But if more of us have these hard conversations, and truly listen and learn from them, we'll be better able to shine that light of truth."

-Governor Northam

The Professional Development Subcommittee, chaired by Dr. Derrick Alridge, focused their recommendations on the supports necessary for educators to:

1. Successfully implement the new Standards of Learning and Curriculum Frameworks once they are revised; and
2. To equip all educators in the Commonwealth to create and sustain culturally-responsive classrooms and pedagogy.

This section of the report reflects the Subcommittee's recommendations in those two areas, as well as additional context on the current professional development landscape in Virginia.

The Need for Enhanced Professional Development in the Commonwealth

Professional Development is understood as a broad system of learning experiences that are meant to produce teacher effectiveness and improve the quality of schooling for all students. It is the intake of both formal and informal learning experiences that deepens and extends teachers' professional competence, including knowledge, beliefs, motivation, and skills.

African American history should be taught throughout the entire year and across the curriculum. This requires a deep grounding in culturally responsive pedagogy, comprehensive content knowledge that paints a more complete historical picture, and an understanding of the contemporary ramifications of the past.

A study by the National Museum of African American History and Culture (NMAAHC) notes that teachers may not teach African American history comprehensively because they lack content knowledge, confidence, time, resources, and are concerned with students' maturity levels for approaching difficult knowledge. As a result, teachers may largely ignore African American history or see it as supplementary. This often means that the history taught in our classrooms lacks complexity and does not include the Black experience as part of American history. In Virginia, teachers have been criticized for questionable activities meant to teach African American history and engage around difficult topics, such as through slave games and mock auctions. African American history is American history and cannot be separated from our collective story, but in order to teach without causing harm, educators must gain social and cultural awareness, content mastery, and discernment to teach this history in a holistic and humanizing way.

Most educators employed by the Commonwealth's local school divisions have not taken a course or received professional development on teaching African American history or on culturally responsive pedagogy. In addition, 52% of students in Virginia are young people of color, while 82% of educators employed by the Commonwealth's local school divisions are White. As a result, students of color are being educated by individuals who are not of their racial or cultural background. This issue, and our understanding of what it takes to adequately teach African American history, demonstrates a need for more robust professional development to equip the Commonwealth's largely White educator workforce to engage in culturally responsive pedagogy that facilitates deeper learning opportunities and a sense of

AMERICAN OVERSIGHT

belonging for their students. Additionally, it indicates a need for greater training in content knowledge, as many educators may not have the knowledge necessary to present students with a full and comprehensive representation of the African American voices that contribute to Virginia's story.

The recommendations outlined below are meant to equip public school teachers with the culturally proficient knowledge and resources to teach Virginia's diverse learners and the specific content knowledge required to teach African American history sensitively and with confidence.

Defining Key Terms

- **Anti-Racism**: Anti-racism acknowledges that racist beliefs and structures are pervasive in all aspects of our lives and requires action to dismantle those beliefs and structures. This requires that school leaders hold educators and students accountable when they say and do things that make school unsafe, and that they dismantle systems perpetuating inequitable access to opportunity and outcomes for students historically marginalized by race.[1]
- **Culturally Relevant Pedagogy**: Recognizes the importance of including students' cultural references in all aspects of learning. Culturally relevant pedagogy must encompass the following three results: (1) must yield academic success for students; (2) must help students develop positive ethnic and cultural identities while simultaneously helping them achieve academically; and (3) must support students' ability to recognize, understand, and critique current and social inequalities.[2]
- **Culturally Relevant/Responsive Teaching**: The behavioral expressions of knowledge, beliefs, and values that recognize the importance of racial and cultural diversity in learning. An approach that emphasizes using the cultural knowledge, prior experiences, frames of reference, and performance styles of ethnically diverse students to make learning encounters more relevant to and effective for them.[3]
- **Cultural Competency**: Having an awareness of one's own cultural identity and views about difference, and the ability to learn and build on the varying cultural and community norms of students and their families. It is the ability to understand the within-group differences that make each student unique, while celebrating the between-group variations that make our country a tapestry. This understanding informs and expands teaching practices in the culturally competent educator's classroom.[4]
- **Cultural Proficiency**: Recognized by environments that create opportunities for access, empowerment, and achievement by acknowledging, valuing, advocating, and empowering cultural diversity in all aspects of the educational process. This requires: (1) the acquisition of knowledge-based skills and understanding that are required to successfully teach and interact with students and to work effectively with colleagues from a variety of cultures by holding all forms of cultural difference in high esteem; (2) a continuing self-assessment of one's values, beliefs and biases grounded in cultural humility; (3) an ongoing vigilance toward the dynamics

---

[1] Christina Torres and Teaching Tolerance. "All Students Need Anti-racism Education."July 30, 2020.
[2] Gloria Ladson-Billings, *The Dream Keepers* (San Francisco: Wiley Publishers, 1994)
[3] Geneva Gay, *Culturally Responsive Teaching: Theory, Research, and Practice* (New york: Teachers College Press, 2000).
[4]National Education Association."Why Cultural Competence?" Accessed on August 27, 2020. http://www.nea.org/home/39783.htm
[5] Based in part on Cultural Proficiency, A Manual for School Leaders, 2nd Ed. Lindsey, Robins, and Terrell, 2003.
4 Colorado Department of Education, "Equity Toolkit for Administrators," 2010.

AMERICAN OVERSIGHT

of diversity, difference and power; and (4) the expansion of knowledge of cultural practices that recognize cultural bridges as going both ways. [5]

Defining Culturally Responsive Practice for Virginia Educators

Establishing expectations for culturally responsive practice among Virginia's educator workforce is critical to supporting the effective delivery of professional development. These expectations are framed into four quadrants that represent practices at the following critical levels: (1) culturally responsive schools, (2) culturally responsive leadership, (3) culturally responsive educators, and (4) culturally responsive pedagogy.

These four leverage points represent components of the educational ecosystem that can be transformed by culturally responsive practices to better serve students historically marginalized by race. Defining what culturally responsive practices look like in these four levels also aids in identifying data points, situating student outcomes through an equity lens supported by culturally responsive pedagogies, identifying capacity building needs, and creating spaces for continuous community input and support.

Culturally Responsive Practices in Four Critical Levels	
Culturally Responsive Schools	**Culturally Responsive Leadership**
• Safe, inclusive, and secure environments where all students are affirmed. • Have established and evolving pathways, access, and support to rigorous college and career preparatory classes for all students. • Provide universal access to culturally relevant pedagogy that builds positive cultural identities. • Have an educational environment that is free from implicit and explicit racial/ethnic and gender biases. • Produce high student achievement rates in state accountability (the most basic outcome). • Have systems in place to mitigate racial or cultural tensions. • Have a climate in which all students and staff have a sense of membership and belonging and provide forums both inside and outside of the classroom where everyone can learn about each other's diverse backgrounds.	• Deploy resources and professional learning opportunities to advance cultural proficiency. • Evaluate cultural responsive efficacy during teaching observations and evaluations. • Establish high expectations for all students. • Mitigate power imbalances based on race, culture, ethnicity, and class. • Establish policies and procedures to advance anti-racist school culture and climate. • Ensure recruitment and retention of teachers of color and demonstrable cultural responsiveness competencies. • Establish mentoring practices for new teachers and staff in culturally responsive pedagogy and practice. • Accept cultural responsiveness as endemic to effectiveness in all areas of learning for students from all ethnic groups. • Create caring learning communities where heritages are valued.
Culturally Responsive Educators	**Culturally Responsive Pedagogy/Teaching**
• Reflect on their own cultural lens. • Model high expectations for all students.	• Is student-centered. • Identifies and nurtures students' cultural

AMERICAN OVERSIGHT

• Promote respect for student differences.
• Recognize and redress bias in the system.
• Challenge stereotypes, prejudices, racism, and other forms of intolerance, and oppression.
• Are change agents for social justice and academic equity.
• Cultivate relationships beyond the classroom anchored in affirmation, mutual respect and validation.
• Engage in reflection of their beliefs, behaviors and practices.
• Communicate in linguistically and culturally responsive ways.
	strengths to promote student achievement.
	• Affirms cultural and individual identity.
	• Uses cultural differences as assets necessary to inform the development of instructional resources.
	• Mediates power imbalances based on race, culture, ethnicity, and class.
	• Utilize students' culture as a vehicle for learning.
	• Establishes high expectations for all students and provides support to ensure success.
	• Diverse groups from all rings of culture are represented, validated, and affirmed.
	• Establishes a 3-pronged approach: institutional, personal, and instructional.
	  ○ **Institutional**: recognizes a need for reform of school policies and procedures based on cultural factors.
	  ○ **Personal**: requires teachers to become culturally responsive.
	  ○ **Instructional**: provides educational materials that are culturally affirming and aid in delivering culturally responsive instruction.

Culturally Responsive Schools

The culturally responsive school seeks the highest levels of achievement for all students by acknowledging, responding to, and truly integrating student, family, and community identity into all aspects of learning to foster a safe and equitable environment that recognizes the histories, struggles, achievements, and contributions of the racially marginalized populations it serves as fundamental to engaged student learning.

Culturally responsive schools address fundamental equity concerns by holding high expectations for students and providing the highest levels of support for all students to succeed. Success in a culturally responsive school is defined by preparation for college and career readiness in an environment that is supportive, is asset-conscious, and fosters positive cultural identity.

Culturally Responsive Leadership

Culturally responsive school leaders create school contexts and curriculum that responds effectively to the educational, social, political, and cultural needs of students through policy creation, expectation setting and monitoring, and staff coaching to facilitate successful implementation of culturally responsive instruction.

This leader also sets standards and expectations for high academic success regardless of perceived performance abilities. This means that the campus leader creates an inclusive school environment in which a climate free from implicit biases toward racial and ethnic groups exists. This leader also centers marginalized families and communities as important in decision making and solution-seeking. These

AMERICAN OVERSIGHT

leaders are courageous in challenging aspects of teaching and learning that marginalize students of color, and identify, protect, institutionalize, and celebrate all cultural practices from these students.

Culturally Responsive Educators

Culture strongly influences the attitudes, values, and behaviors that students and teachers bring to the instructional process, making culturally responsive educators necessary for the equitable achievement of today's increasingly diverse student population. Culturally responsive educators see the diversity in their classrooms as an asset and use their knowledge on students' backgrounds to enrich educational experiences. These teachers form a thorough understanding of the specific cultures of the students they teach, how that culture affects student learning behaviors, and how they can change classroom interactions and instruction to embrace the differences.

Culturally responsive educators:

- Reflect on their own cultural lens
- Model high expectations for all students
- Draw on students' culture to shape curriculum and instruction
- Promote respect for student differences
- Recognize and redress bias in the system
- Bring real-world issues into the classroom
- Communicate in linguistically and culturally responsive ways
- Collaborate with families and the local community

Culturally Responsive Pedagogy

Culturally responsive pedagogy is characterized by using the cultural characteristics, experiences, and perspectives of ethnically diverse students as conduits for teaching them more effectively.[6] It encompasses teaching practices that highlight the values, traditions, language, and histories that make each student and community unique and different from the teacher.

As the diversity in schools continues to grow, this instructional theory places an emphasis on creating a school environment in which all are affirmed for the beauty in their respective languages, beliefs, and ideas and in which students' best interest is centered.

Culturally responsive pedagogy comprises three functional dimensions: (1) institutional, (2) personal, and (3) instructional. The institutional dimension of culturally responsive pedagogy emphasizes the need for reform of the cultural factors affecting the organization of schools, school policies and procedures (including allocation of funds and resources), and community involvement. It reflects the administration, its policies, and values.[7] The personal dimension refers to the process by which teachers learn to become culturally responsive. It includes both cognitive and emotional processes. The instructional dimension refers to practices and challenges associated with implementing cultural responsiveness in the classroom. It includes materials, strategies, and activities that form the basis of

[6] Geneva Gay, *Culturally Responsive Teaching: Theory, Research, and Practice* (New york: Teachers College Press, 2000).
[7] Heraldo Richards and Ayanna Brown. *Addressing Diversity in Schools Culturally Responsive Pedagogy: Teaching Exceptional Children* (ProQuest Education Journals, 2007).

AMERICAN OVERSIGHT

instruction. All three dimensions significantly interact in the teaching and learning process and are critical to understanding the effectiveness of culturally responsive pedagogy.[8]

Recommendations

Legislative

- Revise Virginia's Teacher Evaluation Regulations and Virginia's Uniform Performance standards for School Leaders to include cultural proficiency efficacy.
- Require every Virginia educator to certify that they have enrolled in Cultural Competency Professional Development by 2022.
- Allocate funding and personnel resources to develop and implement comprehensive professional development in the areas of cultural competency and African American History content for Virginia educators.
- Mandate certification (Continuing Education Units) in African American History for all holders of education licenses issued by the Virginia Department of Education (this includes initial licensure and renewals).
- Amend requirements for licensure endorsements in History/Social Science to require evidence of course study in African American History.
- Require a credit in African American History as a new requirement for graduation in Virginia. *The new elective course in African American History developed by VDOE and WHRO could be used to fulfill this requirement.*

General

- Broaden the teaching pipeline to seek out and train diverse teachers.
- Incentivize universities and colleges to offer courses and professional development on Black history, teaching Black history, and cultural competency for teachers. Courses and professional development should be for secondary and elementary teachers and librarians.
- Encourage universities and colleges in Virginia to offer certificates in African American history and/or African American Studies for teachers and prospective teachers.
- Enhance Virginia's School Climate Survey to include evaluation of Culturally Responsive School Climate and report these outcomes on Virginia's School Quality Profiles.
- Establish common language between education preparation programs and school divisions that promote equity and inclusivity.
- Develop models for training about implicit bias and culturally-responsive pedagogy.
- Make family and community engagement a guiding principle in teacher preparation.
- Create a database of resources for educators.
- Ensure that training components include K-8 educators.
- Provide content in multiple modes to improve teacher access.
- Evaluate what teaching resources and textbooks need to be retired.
- Partner with historical and cultural organizations versed in culturally-responsive pedagogy and African American history.
- Develop a model anti-racism educator policy approved by the Virginia Board of Education.
- School Divisions review inclusion of Culturally Responsive Teaching and Culturally Responsive Practices as part of division strategic plans.

[8] Heraldo Richards and Ayanna Brown. *Addressing Diversity in Schools: Culturally Responsive Pedagogy: Teaching Exceptional Children* (Springer, 2017).

AMERICAN OVERSIGHT

- School boards include culturally responsive awareness as part of the school board's professional development and training.
- Develop guidelines for Culturally Responsive Teaching and Culturally Responsive Practice in Virginia. These guidelines should be informed by the profiles developed by the Commission and developed in consultation with a list of experts and researchers recommended by the Subcommittee in Appendix F.
- Establish minimum criteria for state approved professional development in the following areas:
    - Culturally Relevant Teaching: Acquisition of curriculum and pedagogical knowledge
    - Cultural Proficiency: Mastery of knowledge
    - Culturally Responsive Teaching: Application of knowledge
    - Anti-Racist Education: Strategies
    - African American History: Content and Pedagogy

Considerations for Implementation

- Include family and community engagement through an equity lens in teacher preparation curriculum.
- Ensure educators have access to multiple delivery systems in order to provide equitable access to professional development opportunities.
- Prioritize deployment of cultural competency professional development to divisions demonstrating the highest needs based on student outcome data (i.e. rates of discipline disproportionality, teachers' diversity, academic achievement gaps, and graduation disparities - including diploma types).

Conclusion

Culturally-responsive pedagogy and curricula are needed more now than ever. Students in Virginia and across the country are interested in learning about African American history in order to better understand the history of the United States. Many teachers are eager to gain robust and accurate content knowledge in Black history in order to more effectively teach both Black history and U.S. history. If implemented comprehensively, these recommendations will ultimately equip educators to provide all students in the Commonwealth with opportunities to learn in ways that are relevant to their lived experiences and create cultures of inclusivity and belonging in Virginia schools.

AMERICAN OVERSIGHT

V. Conclusion

Over the course of the last year, the African American History Education Commission established a clear, bold vision for improving African American history education and fostering culturally responsive classrooms throughout the Commonwealth. Accomplishing this vision will require changing Virignia's history and social studies standards, both in the short and long term; improving how those standards are regularly revised, making significant investments in professional development for teachers, and sustaining resources and supports for culturally responsive classrooms.

The Commission is issuing this report within the context of dramatic social upheaval. Our nation is in the throes of an unprecedented pandemic that is disproportionately impacting Black and Latino communities and illuminating devastating racial health disparities in our country. Additionally, the murder of George Floyd has catalyzed robust conversations about police brutality and racism in our society. Citizens all over the country have protested and called upon governments and leaders to take bold action against police brutality and other forms of structural racism in our communities. These events and public discourse clearly reinforce the dire need for all Virginians, and all Americans, to better and more deeply understand America's difficult and complex racial history, its racists footings, and the continuous influence that history has on our society today.

It is now incumbent upon policy makers to implement these recommendations, prioritize the investment, and take bold action to ensure all students graduate from Virginia's public schools with a deep, thorough, and accurate understanding of African American history in the Commonwealth and our nation. The Commission calls on the Executive Branch, the General Assembly, the Board of Education, local school divisions, and institutions of higher education to drive these changes at every level. These changes are critical for Virginia's students and we must act now to build an education system that confronts these realities and equips students to lead Virginia and the nation into a more just and inclusive era.

AMERICAN OVERSIGHT

VI. Appendices

Appendix A: Commission Roster and Subcommittee Membership

Standards Subcommittee

*Chaired by **Dr. Cassandra Newby-Alexander**, Dean of the College of Liberal Arts and Professor of History, Norfolk State University.*

*Supported by **Dr. Christine Harris**, VDOE Director of Humanities; **Christonya Brown**, VDOE History and Social Science Coordinator; **Holly Coy**, VDOE Assistant Superintendent of Policy, Equity, and Communications; **Tori Noles**, Policy Advisor to the Secretary of Education; **Aurelio M. Montemayor**, IDRA Family Engagement Coordinator; **Morgan Craven**, IDRA National Director of Policy, Advocacy and Community Engagement; and **Terrence Wilson**, IDRA Regional Policy and Community Engagement Director.*

Technical Edits Workgroup
Dr. Edward Ayers, Professor of the Humanities, University of Richmond
Crystal DeLong, Teacher, Liberty High School, Bedford County Public Schools
Dr. Patricia H. Fisher, Immediate Past Superintendent (Interim), Portsmouth Public Schools (Ret.) and Educational Consultant
Dr. Dietra Trent, Chief of Staff, George Mason University
Dr. Robert C. Watson, Assistant Professor of History, Hampton University

Standards Process Workgroup
Dr. James Lane, Virginia Superintendent of Public Instruction
Cainan Townsend, Director of Education, Robert Russa Moton Museum
Renita S. Williams, Retired Secondary Social Studies Instructional Supervisor, Newport News Public Schools

Standards Overhaul Workgroup
Beau Dickenson, President, Virginia Social Studies Leaders Consortium and Social Studies Supervisor, Rockingham County Public Schools
Dr. John Lee, Professor, North Carolina State University
Makya Reneé Little, Parent Advocate and Florida A&M University Alumna
Dr. Monica Manns, Director of Equity and Diversity, Henrico County Public Schools
Dr. Cassandra Newby-Alexander, Dean of the College of Liberal Arts and Professor of History, Norfolk State University
Chris Van Tassell, Program Coordinator and Educator, Virginia Museum of History & Culture

Other
Dr. Rosa Atkins, Superintendent, Charlottesville City Schools
Basil Marin, Assistant Principal, DeKalb County Schools
Tyrone Nelson, Chairman, Henrico County Board of Supervisors and Pastor, Sixth Mount Zion Baptist Church of Richmond

AMERICAN OVERSIGHT

Professional Development Subcommittee

*Chaired by **Dr. Derrick Alridge**, Professor of Education and Director of the Center for Race and Public Education in the South, Curry School of Education and Human Development, University of Virginia*

*Supported by **Leah Dozier Walker,** VDOE Director of Equity and Community Engagement; **Jenne Nurse**, VDOE Equity Coordinator; **Dr. Paula Johnson**, Director of IDRA Equity Assistance Center – South; and **Hector Bojorquez**, Director of Operations, IDRA*

Jarvis Bailey, High School Administrator, Westmoreland County Public Schools and School Board Member, Fredericksburg City
Maria Burgos, Supervisor of Global Learning and Culturally Responsive Instruction, Prince William County Public Schools
Christy S. Coleman, Executive Director, Jamestown-Yorktown Foundation
Dr. Robert Nelson Corley III, Associate Vice-Provost for Academic Affairs and Project Director, The Wallace Foundation's University Principal Preparation Initiative, Virginia State University
Pamela Croom, President-Elect, Virginia PTA
Dr. Andrew P. Daire, Dean of the School of Education, Virginia Commonwealth University
Dr. Crystal M. Edwards, Superintendent, Lynchburg City Schools
Dr. Annie Marie Evans, Director of Education and Outreach–New American History, University of Richmond
Atif Qarni, Secretary of Education, Commonwealth of Virginia
Gloria Randolph-King, Retired Roanoke City Public Schools Administrator
Dr. Alice Reilly, Educator, George Mason University
Dr. Vanessa D. Thaxton-Ward of Hampton, Director, Hampton University Museum
Michelle Campbell Thomas, Founder and CEO, Loudoun Freedom Center and President, NAACP Loudoun Branch
Betty Jean Wolfe, President, Evaluative Design Inc
Dr. William White, Visiting Distinguished Scholar, Christopher Newport University
Jonathan Zur, President and CEO, Virginia Center for Inclusive Communities

AMERICAN OVERSIGHT

Virginia Commission on African American History Education in the Commonwealth

Inaugural Meeting Agenda

October 28, 2019 10am – 3pm

University of Virginia – Newcomb Hall South Meeting Room

I. Welcome **10am**
- Atif Qarni, Secretary of Education of the Commonwealth

II. Group Introductions **10:15am**

III. Commission Charge, Roles and Responsibilities **10:45am**
- Atif Qarni, Secretary of Education
- Dr. Derrick Alridge, Director, Center for Race and Public Education in the South, University of Virginia
- Dr. Cassandra Newby-Alexander, Dean, Norfolk State University, College of Liberal Arts
- Dr. Rosa Atkins, Superintendent, Charlottesville City Public Schools
- Dr. Paula Johnson, Director of IDRA Equity Assistance Center, South

IV. Virginia's History Standards **11:15am**
- Dr. Christine Harris, Director, Office of Humanities, Virginia Department of Education
- Christonya Brown, History & Social Science Education Coordinator, Virginia Department of Education

Lunch for Commission Members

V. Greetings from Governor Ralph Northam **12:30pm**
Greetings from UVA President, Jim Ryan

VI. A Vision for Redesigned Professional Development **1pm**
- Dr. Derrick Alridge, Director, Center for Race and Public Education in the South, University of Virginia
- Leah Walker, Director, Office of Equity and Community Engagement, Virginia Department of Education

VII. Subcommittee Discussion **1:45pm**

VIII. Full Committee Discussion **2:15pm**

IX. Public Comment **2:30pm**

Individuals may sign up for public comment at the meeting, and will be provided opportunity to speak in the order of the sign-up sheet. Public comments are limited to 2 minutes per person.

X. Closing and Next Steps **3pm**
- Atif Qarni, Secretary of Education

AMERICAN OVERSIGHT

Virginia Commission on African American History Education in the Commonwealth

Meeting Agenda

December 16, 2019 from 10am – 3pm
Robert Russa Moton Museum
900 Griffin Blvd, Farmville, VA 23901

I. Welcome and Introductions **10am**

- Holly Coy, Deputy Secretary of Education
- Cameron Patterson, Managing Director, Moton Museum
- Dr. Larissa Smith, Provost and Vice President for Academic Affairs, Longwood University

II. Where are we Headed? **10:15 – 11am**

- Holly Coy, Deputy Secretary of Education
- Maxine Roberts, Principal, Education Commission of the States

III. From Standards to the Classroom- A Panel Discussion **11am**

- Moderator: *Dr. Rosa Atkins*, Superintendent, Charlottesville City Public Schools
- Panelists: *Renita Williams*, Secondary Social Studies Instructional Supervisor, Newport News Public Schools
  Beau Dickerson, Social Studies Supervisor, Rockingham County Public Schools
  Crystal DeLong, Teacher, Liberty High School, Bedford County Public Schools

IV. Working Lunch: Professional Development Landscape in Virginia **12:15pm**

- Dr. James Lane, State Superintendent of Public Instruction

V. Subcommittee Discussions **1pm**

i. Professional Development Subcommittee

ii. The Standards subcommittee will break into 3 smaller groups to focus on: Technical Edits, Comprehensive Overhaul, and Process Redesign

VI. Full Committee Report Out **2:30pm**

- Dr. Rosa Atkins, Superintendent, Charlottesville City Public Schools

VII. Public Comment **2:45pm**

Individuals may sign up for public comment at the meeting, and will be provided opportunity to speak in the order of the sign-up sheet. Public comments are limited to 2 minutes per person.

VIII. Closing and Next Steps **3pm**

i. Atif Qarni, Secretary of Education of the Commonwealth of Virginia

AMERICAN OVERSIGHT

Virginia Commission on African American History Education in the Commonwealth

Meeting Agenda

February 18, 2020 from 10am – 3pm
Living Learning Center, Virginia Union University
1500 N Lombardy St, Richmond, VA 23220

I. Welcome and Introductions **10am**
- Atif Qarni, Secretary of Education
- Dr. Allia Carter, Executive Vice President & Chief Operating Officer, Virginia Union University

II. Black History 365 Days a Year **10:20am**
- Dr. Lane, Superintendent, Department of Education
- Local Perspective on Implementation

III. Virginia's New African American History Elective Course **10:40am**
- Meagan Taylor-Booth, Director of Digital Learning, WHRO
- Mitzi Fehl-Seward, Vice President of Digital Learning, WHRO

IV. Subcommittee Discussions **11– 12:30**

V. Working Lunch: Student Perspectives Panel **12:45pm**
i. Dr. Rosa Atkins, Superintendent, Charlottesville City Public Schools
ii. Richmond City Public School Students
iii. Henrico County Public School Students
iv. Virginia Union University Students

VI. Full Committee Discussions **1:45pm**
- Dr. Rosa Atkins, Superintendent, Charlottesville City Public Schools

VII. Public Comment **2:30pm**
Individuals may sign up for public comment at the meeting, and will be provided opportunity to speak in the order of the sign-up sheet. Public comments are limited to 2 minutes per person.

VIII. Closing and Next Steps **3pm**
i. Atif Qarni, Secretary of Education

AMERICAN OVERSIGHT

Virginia Commission on African American History Education in the Commonwealth

Meeting Agenda

June 15, 2020 10am – 12pm
Virtual Zoom Meeting

I. Welcome & Timeline Update **10:00am**
- Atif Qarni, Secretary of Education of the Commonwealth

II. Remarks **10:15am**
- Governor Ralph Northam
- Dr. Janice Underwood, Chief Diversity Officer

III. African American History Course Update **10:45am**
- Christonya Brown, History & Social Science Education Coordinator, Virginia Department of Education

IV. Review Draft Report by Subcommittee **11:00am**
i. Enter Zoom breakout rooms

V. Closing & Next Steps **12pm**
i. Atif Qarni, Secretary of Education

AMERICAN OVERSIGHT

Virginia Commission on African American History Education in the Commonwealth

Meeting Agenda

July 20, 2020 10am – 12pm
Virtual Zoom Meeting

VI. Welcome & Timeline Update **10:00am**
- Atif Qarni, Secretary of Education

VII. Agenda Overview & Logistics **10:10am**
- Leah Walker, Director of Equity and Community Engagement, VDOE

VIII. Standards Subcommittee Recommendations **10:15am**
- Dr. Cassandra Newby-Alexander, Commission Co-Chair
- *20 minute presentation, 15 minutes of Q&A*

IX. Professional Development Subcommittee Recommendations **10:50am**
i. Dr. Derrick Alridge, Commission Co-Chair
ii. 20 minute presentation, 15 minutes of Q&A

X. Public Comment **11:25am**
i. If you would like to provide public comment, please raise your hand at this time. When it is your turn, you will be promoted to a panelist and may offer your comments to the Commission.

XI. Closing & Next Steps **11:45am**
i. Atif Qarni, Secretary of Education

AMERICAN OVERSIGHT

Virginia Commission on African American History Education in the Commonwealth

Meeting Agenda

August 24th, 2020 10am – 11am
Virtual Zoom Meeting

I. Welcome **10:00am**
- Atif Qarni, Secretary of Education

II. Agenda Overview & Logistics **10:05am**
- Leah Walker, Director of Equity and Community Engagement, VDOE

III. Report Structure & Guidance for Presentation to the Governor **10:15am**
- Tori Noles, Policy Advisor to the Secretary of Education

IV. Subcommittee Breakout Groups **10:20am**
i. *Discuss/propose any necessary edits to your subcommittee's written report section*
ii. *Prepare for presentation to the Governor on August 31st.*

V. Public Comment **10:45am**
i. *If you would like to provide public comment, please raise your hand at this time. When it is your turn, you will be promoted to a panelist and may offer your comments to the Commission.*

VI. Closing & Next Steps **10:55am**
i. Atif Qarni, Secretary of Education

AMERICAN OVERSIGHT

Virginia Commission on African American History Education in the Commonwealth

Final Meeting Agenda

August 31st, 2020 10am – 11am
Virtual Zoom Meeting

XI. Welcome & Introduction of the Governor **10:00am**
- Atif Qarni, Secretary of Education
- Myles Hunt, Student Representative to the Portsmouth City School Board

XII. Opening Remarks **10:02am**
- 73rd Governor of Virginia Dr. Ralph S. Northam

XIII. The Importance of Getting This Right **10:05am**
- Dr. Rosa Atkins, Superintendent, Charlottesville City Schools
- Crystal DeLong, Teacher, Liberty High School, Bedford County Public Schools
- Myles Hunt, Student Representative to the Portsmouth City School Board
- Makya Little, Parent Advocate and Florida A&M University Alumna

XIV. Standards Recommendations **10:15am**
- Standards Overhaul - Dr. Cassandra Newby-Alexander, Dean of the College of Liberal Arts and Professor of History, Norfolk State University
- Technical Edits - Dr. Edward Ayers, Professor of the Humanities and President Emeritus, University of Richmond
- Process Revision - Dr. Christine Harris, Director of Humanities, VDOE; and Christonya Brown, History and Social Science Coordinator, VDOE

XV. Professional Development Recommendations **10:35am**
- Dr. Derrick Alridge, Professor of Education and Director of the Center for Race and Public Education in the South, Curry School of Education and Human Development, University of Virginia
- Leah Walker, Director of Equity and Community Engagement, VDOE

XVI. Q&A with the Press **10:55am**
- 73rd Governor of Virginia Dr. Ralph S. Northam

At this time, the Governor will take questions from the press. Reporters, please submit your questions via Zoom chat to Tori Noles. Please be advised that the Governor must leave promptly by 11am, so he will be unable to respond to every question submitted.

XVII. Closing & Thanks **11:00am**
- Atif Qarni, Secretary of Education

AMERICAN OVERSIGHT

Listening Sessions Executive Summary

As part of the Commission's purpose and process, the Commission conducted three public listening sessions to gain information and perspectives from a wide variety of educational stakeholders from panels of parents and community advocates, educators and students who graduated from Virginia's public schools. The end of each session was open to the public for comment, and those who were unwilling or unable to deliver their comments directly to the Commission were invited to submit them in writing online.

Public listening sessions dates:

- February 11, 2020: Harrison Museum of African American Culture
- February 12, 2020: Black History Museum and Cultural Center of Virginia
- March 11, 2020: Norfolk State University

Panel Discussions

Many of the same questions were asked to all three panels to allow them to share their unique perspectives on African American history education in Virginia. Questions included the following.

How have you personally been affected by how African American history is taught?

- **Educator Panel:** The lack of nuance or deep content in African American history left their students feeling disconnected and uninterested in learning history. The focus on slavery lent a "sense of shame" to African Americans that intensified student disengagement.
- **Parent and Community Stakeholder Panel:** Panelists' own experiences learning African American history happened outside of the classroom because it was not really taught to them. One of the parents spoke of making special efforts to teach her children and grandchildren African American history to give them a sense of self that they could not get from history education at school.
- **Student Panel:** The students agreed that they learned very little about African American history beyond a few historical figures and the topics of slavery, the Black renaissance, and the civil rights movement. It led to a definite disconnect from history and their peers.

What considerations should be made to change the way African American history is taught?

- **Educator Panel:** History should come alive to students and show multiple perspectives.
- **Parent and Community Stakeholder Panel:** History content should be multicultural and touch on local history to make it more relevant to all students. African American history should not begin with slavery but by exploring African cultures and how their traditions have impacted the United States. Historical figures should be drawn from a variety of fields to show the vast scope of African American excellence.
- **Student Panel:** Teachers should be prepared with the knowledge and skills to teach and facilitate conversation on the nuanced, complex story of African American contributions to U.S. history. African American history should not only focus on slavery but provide a fuller, more inclusive narrative.

How can we make sure that teachers are adequately prepared to teach African American history?

- **Educator Panel:** Attract more African American teachers to the field. The current demographics of teachers require intensive professional development and work to overcome implicit biases to give the full picture of African American history. They should have strong content knowledge in African American history. Additionally, the emphasis on high-stakes testing should be lessened to allow teachers the ability to focus on engaging their students with historical content.
- **Parent and Community Stakeholder Panel:** More teachers of color should be recruited, and education programs should be reformed at the university level to increase cultural competency. Existing teachers should receive professional development with lessons learned from educators who already show great competence in African American history.

AMERICAN OVERSIGHT

- **Student Panel:** Ensure that all teachers are credentialed for African American history and reiterate that the only way to honestly address U.S. history is to discuss the darker, violent aspects. They need to be sure they are emotionally prepared and have the strategies to discuss these difficult topics with their students.

What can be done to improve African American history education?

- **Educator Panel:** This panel received more pointed questions about educators, but the overall theme of how the educator workforce could be better prepared to engage their students with African American history hinged on recruiting more African American teachers at all grade levels. Additionally, the commonwealth of Virginia should reconsider how history is taught to allow for more student collaboration and engagement.
- **Parent and Community Stakeholder Panel:** African American historical content should be taught at all grade levels and community aspects of African American history, positive and negative, should be addressed so all students feel connected to history.
- **Student Panel:** Diversification is important. Students learn in different ways, so history education should be well-rounded. It should also not only focus on the past, but the present and implications for the future. History has depth, and students should feel its importance in everything that they do as they learn and grow as individuals.

Public Comment

Each listening session set aside time for public comments. Speakers were given three minutes to speak and their thoughtful comments often sparked conversation among the Commission and panel members present. Important points touched upon by one or multiple members of the public included the following.

- Virginia must remove the barriers that keep qualified African American teachers out of the classroom and address implicit biases to allow for white teachers currently in the classroom to be comfortable having difficult discussions about history.
- Historical content should be factual and no longer omit important details about the contributions of African Americans in building the United States. Historical content should be a major focus in school and reverse the course of increasing other disciplines in the name of improving test scores.
- African American history in the classroom should begin with African American historical and cultural influences worldwide, not with slavery. Any discussion of slavery in the classroom should not center on economics; educators must be prepared for the difficult conversations that come with addressing the horrors of slavery.
- Students should be encouraged to reach out to their communities to learn about how national history intersects with local and cultural history.
- Part of the discussion of African American history should explore why it has not been taught so that students and teachers can actively situate it in United States and world history. Making African American history an elective will not solve the issue; it must be taught as part of regular historical curriculum using a multidisciplinary approach.

Panel Attendees

Educator Panel (February 11, 2020): Dave Dickinson, Judy Diggs, Jeff Girvan, Adam Gray, Derek Hairston, Chris Ingle, Sharon Jennings, Andrea Johnson, Sonnya Preston

Parent and Community Stakeholder Panel (February 12, 2020): Elvatrice Belsches, Chantel Brown, Zyhana Bryant, Joshua Cole, Toria Edmunds-Howell, Pat Foster, Jer'Mykeal McCoy, Sean Miller, Kimberly Morris, Sonji Rollins-Tucker, Bill Wooldridge

Student Panel (March 11, 2020): Faith Handling, Julate Hillman, Myles Hunt, Bryce Marchetti, Jaylen Riddick, Harrington Smith, Charity Warren

AMERICAN OVERSIGHT

Public Commenters

Note: At times, it was difficult for the transcription to make out names when members of the public introduced themselves, and some elected not to do so.

Judy Ayyildiz, Jordan Bell, Wendy Howard Cooper, Jemima Davis, Peggy Davis, Colleen Eddy, Brian Edwards, Charlotte Hayer, Naila Holmes, Ma'asehyahu Isra-Ul, Brother Kim, Julie Markovitz, Ingrid Mendoza, BrendaMuse, Oludare Ogunnde, Lisa Pemix, Tanya Pruett, Rebecca Smith, Andre Tucker, Sam Taylor, Amanda Wright, Toni Wright

AMERICAN OVERSIGHT

Listening Session Meeting Minutes, February 11, 2020

Harrison Museum of African American Culture
One Market Square Southeast, No. 2., Roanoke, Virginia

Attendees

Present Commission Members: Gloria Randolph-King, Crystal M. Edwards, Betty Jean Wolfe, Atif Qarni **Virginia**

Department of Education/Secretary of Education Staff: Leah Walker, Tori Noles, Jenné Nurse **Additional**

Speakers: Anita James Price

Educator Panel: Dave Dickinson, Judy Diggs, Jeff Girvan, Adam Gray, Derek Hairston, Chris Ingle,Sharon Jennings, Andrea Johnson, Sonnya Preston

Public Comments: Judy Ayyildiz, Jordan Bell, Peggy Davis, Brian Edwards, Julie Markovitz, Brenda Muse, Lisa Pemix, Rebecca Smith, Andre Tucker, Amanda Wright

Welcome and Overview

Anita James Price welcomed the Commission and public attendees on behalf of the Harrison Museum of African American Culture. Gloria Randolph-King then welcomed everyone on behalf of Governor Ralph Northam and the entire Commission.

Virginia's Secretary of Education, Atif Qarni, briefly explained the Commission's duty to look at the state's history standards and find ways to make them more inclusive of African American history in its proper place as part of U.S. history. He also spoke to the duty of education stakeholders to embrace cultural diversity and revisit how they are teaching history and asking students to demonstrate what they learn – moving from answering multiple choice questions to making complex connections between important modern and historical figures.

Leah Walker, the Virginia Department of Education's Director of Equity and Community Engagement, gave a broader overview of the Commission's structure and charge. They are charged with evaluating the current educational landscape of Virginia's African American history and making key recommendations for improvement. The Commission is not charged with making changes directly but to highlight the best possible recommendations to provide a comprehensive vision for policymakers.

It is made up of two committees. The *professional development committee* will address how to recruit and help teachers provide culturally-competent and accurate African American history. The *standards committee* is divided into three subcommittees that will recommend necessary technical edits to be made to the current standards, recommendations on standards reform, and how to improve the process of standards revision itself.

The purpose of the listening sessions is to gain information and perspectives from a wide variety of education stakeholders to be shared with the full Commission. Speaking at the listening sessions is not the only way for the public to comment, individuals may also submit written remarks on the AAHEC website.

Educator Panel

Gloria Randolph-King moderated the panel discussion. Panel members included:

- Dave Dickinson, social studies supervisor, Montgomery County
- Judy Diggs, Director of Equity, Montgomery County Schools
- Jeff Girvan, supervisor of history and social science from Prince William County
- Adam Gray, teacher, Forest Park Academy, Roanoke County Public Schools
- Derek Hairston, teacher at Christiansburg High School, Montgomery County
- Chris Ingle, history, social studies, and government teacher, William Fleming High School

AMERICAN OVERSIGHT

- Sharon Jennings, special education teacher from Salem High School, Salem City Schools
- Andrea Johnson, 12th grade English teacher and department chair at Salem High School, Salem City Schools
- Sonnya Preston, business and information technology teacher from Salem City Schools

The panel consisted of key questions to prompt discussion about the unique experiences and challenges educators have faced in Virginia's public schools as they relate to African American history.

How have you been personally affected by the way African American history is taught?

- Mr. Dickinson observed that he saw firsthand how the history he taught was uninteresting to his students because it was not relevant to them. Ms. Diggs added that there was an element of shame when it came to learning African American history because it was all about slavery. Ms. Preston was drastically impacted by the teaching of African American history as the only African American in her classes, where she felt like her people were being described as savages or criminals. It is important for students to know that African American history started before slavery.

What do you think must be considered with the changes we are trying to make to Virginia's history standards and the way it is taught?

- Mr. Girvan suggested that history should not be relegated to facts and dates but should come alive for students and open up to multiple perspectives. There are numerous ways to look at history and these unique perspectives are relevant to current events.

What would you identify as the biggest challenge for preparing teachers to teach African American history?

- Ms. Preston stressed the fact that teachers need to have strong content knowledge and cultural awareness of African American history, which will require changing the historical narrative.
- Ms. Johnson identified the importance of in-depth professional development, especially considering that most teachers are white women. Mr. Hairston agreed and added that students also should be encouraged to read and use primary sources.
- Ms. Diggs identified the need for teachers to be culturally competent as a challenge to overcome and the need for constantly reflection of their own cultures and internal biases and how they impact their work in the classroom.
- Mr. Ingle suggested lessening the focus on high-stakes Standards of Learning (SOL) testing, because teaching for the test constrains the content a teacher can use and how they can teach.

Identify current teaching strategies that are being used or could be improved upon.

- Mr. Ingle suggested project-based learning, community activities and interdisciplinary teaching. Mr. Gray highlighted the fact that the way history is taught needs to change. In his own classroom, he teaches history regionally, not chronologically. Education departments in colleges and universities need to prepare teachers to be able to handle multicultural, diverse classrooms.

What can be done to help teachers develop their ability to deliver and make students aware of African American history?

- Mr. Dickenson mentioned that there is a VDOE African American history elective being developed in Virginia and that other states' responses have ranged from electives to required courses.
- Ms. Preston stressed the importance of recruiting and retaining African American teachers, especially at the elementary level so that, from the start of their educational journey, African American students feel represented and have a teacher they can feel comfortable approaching.

What kinds of supports would white teachers need to teach African American history?

- Ms. Jennings stressed equity as a major component of helping white teachers gain the capacity to properly teach African American history and engage with all their students. Mr. Girvan added that white teachers may find the content of African American history uncomfortable and so may go past it quickly or explain it poorly.

How can the Commission help provide services for teachers?

AMERICAN OVERSIGHT

- Ms. Preston suggested pointing out resources and African American history experts to provide advice and be invited to speak directly to their classes on important topics.

How will staff and educators react to implementation of African American history content?

- Mr. Dickinson drew from his own experience that most will treat it positively, but that there are always holdouts resistant to change. Mr. Ingle added that, as long as history departments receive proper support, they will welcome the changes.
- Mr. Girvan emphasized that the content is not the only major change that is necessary. The way history is taught and learned needs to move away from strict memorization, or students will just be memorizing different material rather than engaging with it. The richness of historical content should be interdisciplinary.

For educators, to what extent are the shortcomings of African American history associated with shortcomings in the demographics of the educator workforce? How has a predominately white teacher workforce impacted Virginia's schools?

- Ms. Jennings highlighted her own experience as one of two African Americans at her high school and reiterated that districts need to take the first step and go to HBCUs to recruit more African American teachers. They should find people whose experiences and skills can help them really connect with their students.
- Regarding the current demographic impact, Mr. Gray noted that the lack of African American teachers on staff at his own school, which is primarily attended by African American students, is apparent but that all teachers need to be better equipped to engage all of their students and know the unique ways students learn now.
- Ms. Preston takes advantage of the fact that she may be the first African American teachers her students have had and tries to work in African American history into conversations she has with her students. She tries to take every opportunity to lift up her African American students and broaden their knowledge.

How do you feel about the Commission's task to revise the SOLs?

- Mr. Dickinson responded that it is a challenging task, especially because education still needs to be in line with standardized testing. Mr. Girvan agreed and added that the Commission's work should not only result in an elective course. Ms. Jennings emphasized that the class should be part of a history requirement so that it can thrive, and students can benefit from African American history content.

Ms. Walked provided closing comments to the listening session thanking the panel for their insights and comments and clarified that the African American history elective will be fully online and marks just a starting point to improve African American history in Virginia.

Public Comment

The public comments section included attendees submitting their comments by number, with three minutes to speak. Comments also were welcomed to be submitted online in their entirety. Briefly, the recorded comments included the following.

- The first person to speak, Andre Tucker, commented on the Commission's task to revise and improve African American history in Virginia. He said that the state itself must address the barriers to keep African American history graduates like himself out of the classroom. He stated that many teachers of color are receiving misinformation about Praxis types and scores or are simply not passing the test. Competent African American history teachers should not be kept from the occupation simply because of a bad test or a lack of information how to take their next steps.

- Brenda Muse, Director of Instruction for the Franklin County Public School System, began her comments by informing the Commission that Franklin County Public Schools provides all teachers with cultural competency and responsiveness training. Improving on history in the classrooms means telling stories and connecting them to the stories and issues that students face today. Students need to know how Black Americans helped build this country.

- Judy Ayyildiz commented that, in her time as a teacher, she learned that you cannot teach history in a vacuum, and that history content needs to stop promoting lies or mistruths about the treatment of African Americans and excluding their many contributions.

AMERICAN OVERSIGHT

- Julie Markovitz thanked the Commission for their work as a white woman and mother of three Black students. She emphasized a need for professional development for white women and teachers about how to talk about race and African American history to reduce the desire to avoid the topic.
- The next speaker was a school counselor whose experiences in other states gave unique insight into Virginia's demographics and education. Educators will need to start from scratch in the sense of fully grasping the importance of African American history and the ramifications of honestly teaching it to students.
- Rebecca Smith, an elementary school principal from Pulaski, Virginia, noted that much of Virginia's African American history is hidden and not discussed in the classroom. This must change because African American history is U.S. history.
- Amanda Wright, an academic coach in Salem, suggested that the state begin to move away from standardized testing and toward portfolio assessments to get a better idea of student learning.
- Jordan Bell, who works with the afterschool Boys and Girls Club associated with Garden City Elementary in Roanoke, stressed that when speaking about African American history, you should begin with historical and cultural influences worldwide, not with slavery. She implemented a local curriculum with her students by going out and getting stories from the community, which has positively impacted their learning.
- Anita James-Price bookended Jordan Bell's comment by emphasizing that history should not only be relevant, but people should be aware of how it impacts every facet of our lives. She touched on historical figures and landmarks relevant to African American history in Roanoke.
- Lisa Pemix, parent and former teacher, shared her experiences with thematic learning and how it can serve as a framing device to connect history and other disciplines.
- Peggy Davis invited attendees to visit the Botetourt County History Museum, especially because it can provide helpful content for teachers to incorporate African American history into their lessons.
- Brian Edwards emphasized that African American history should not start off with slavery. There is much more content that must be shared.
- Melissa May, admissions directory for a community high school, shared her frustrations with trying to publicize events related to Martin Luther King, Jr. Day and the importance of listening to voices that have traditionally been unheard.
- The final public speaker thanked the Commission for their work and shared their personal history. They have a unique perspective, being from Kenya, and have found that African American history in the United States has been kept from African Americans.

Ms. Price concluded by thanking all attendees and reminding people that there will be other listening sessions and more opportunities for people to provide recommendations to inform the Commission's work.

AMERICAN OVERSIGHT

Listening Session Meeting Minutes, February 12, 2020

Black History Museum and Cultural Center of Virginia
122 West Leigh Street, Richmond, Virginia

Attendees

Present Commission Members: Derrick Alridge, James F. Lane, Atif Qarni, Annie Evans, Pamela Croom, Chris Van Tassell, Cainan Townsend, Edward Ayers, Jonathan Zur, Makya Little, Robert N. Corley III

Virginia Department of Education/Secretary of Education Staff: Leah Walker, Tori Noles, Jenné Nurse, Kenita Bowers

Additional Speakers: Adele Johnson

Parent and Community Stakeholder Panel: Elvatrice Belsches, Chantel Brown, Zyahna Bryant, Joshua Cole, Toria Edmunds-Howell, Pat Foster, Jer'Mykeal McCoy, Sean Miller, Kimberly Morris, Sonji Rollins-Tucker, Bill Wooldridge

Public Comments: Wendy Howard Cooper, Jemima Davis, Colleen Eddy, Charlotte Hayer, Naila Holmes, Ma'asehyahu Isra-Ul, Ingrid Mendoza, Oludare Ogunnde, Tanya Pruett, Sam Taylor

Welcome and Overview

Adele Johnson, executive director of the Black History and Cultural Center of Virginia, welcomed attendees to the listening session on behalf of the center. Their job at the museum is to share stories that inspire and tell the untold narratives of African American history in Virginia. She invited the public to visit the Monticello exhibit currently showcased that tells its story from the point of view of the enslaved.

Dr. Derrick Alridge, co-chair of the African American History Education Commission and Director for the Center for Race and Public Education in the South at the University of Virginia, served a moderator for the panel discussion. He thanked attendees on behalf of the Commission and commented on the significance of starting the public listening sessions during Black History Month and at important sites like the Black History and Cultural Center of Virginia.

Dr. James Lane, Virginia's 25th Superintendent of Public Instruction, explained that Governor Ralph Northam established the Commission to ensure that Virginia's untold story of African American history is brought to the forefront and taught to its students. As part of its work to improve education, the Department of Education welcomes public feedback to know how it can do a better job of altering standards and changing content to be moreaccurate and equitable.

Secretary of Education Atif Qarni brought greetings from the governor and spoke of the Commission's task as an opportunity for Virginia to reimagine and rethink the way that it presents and teaches history. His own work in education across the state has highlighted in the inequities inherent in the present system. Even though the Commission is made up of experts in history, equity and education, the listening sessions are a vital component that enables them to receive feedback and advice from educational stakeholders who are directly impacted by the standards.

Leah Walker provided a brief overview of the Commission's charge to make suggestions and technical edits to Virginia's history standards and provide recommendations for culturally competent professional developments so that teachers may be prepared to teach African American history. Their duty is to look at short-term improvements and long-term changes to how Virginia's schools approach and teach history. The Commonwealth's Department of Education was also charged with making an elective course in African American history to be released by the fall semester of 2020.

Parents and Community Stakeholder Panel

The panel began with introductions. Attendees included:

AMERICAN OVERSIGHT

- Evlatrice Belsches, public historian and author
- Chantel Brown, parent of a child at Glen Allen Elementary School
- Zyahna Bryant, first year undergraduate at the University of Virginia and member of the Virginia African American Advisory Board
- Joshua Cole, VCU School of Education and the Office of Strategic Engagement
- Toria Edmunds-Howell, former educator from Richmond Public Schools, the RPS Education Foundation, and the City of Richmond Mayor's Youth Academy
- Pat Foster, director of Minority Business Development for the City of Richmond
- Jer'Mykeal McCoy, president of the Urban League of Greater Richmond Young Professionals
- Sean Miller, county chief operating officer, Boys and Girls Clubs of Metro Richmond
- Kimberly Morris, parent of an 11th grader at Henrico High School
- Sonji Rollins-Tucker, parent and grandparent
- Bill Wooldridge, juvenile community programs manager for the City of Richmond Dr.

Derrick Alridge moderated the panel and facilitated the following discussions.

How have you been personally affected by the way African American history is or isn't taught?

- Mr. McCoy touched on his own experience in Virginia's schools when he was the only person in his classes who knew about African American history and culture because he sought it out on his own, outside of the classroom.
- Ms. Howell realized when she went to college and received a more intensive history education that she had not learned African American history during her time in public school. Learning at an HBCU broadened her horizons and made her feel like she began to understand her space in the world and had a sense of belonging with dedicated African American scholars. Ms. Morris had a similar experience and only realized she had not been taught African American history beyond the basics until she pursued higher education.
- Ms. Tucker reflected on her time in public school and how the way she was taught African American history undermined her confidence and made her feel like she did not belong. As a mother and grandmother, she has taken it upon herself to help her children and grandchildren experience history firsthand through learning and visiting historical sites. Allowing African American students to really engage in their history and to lift up their stories and accomplishments will build confidence and a positive identity in students.

If we reflect on what is being taught now in school, particularly in relation to when and how African American history is taught, what should we revise and what might we reconsider?

- Mr. Woolridge specifically referenced the Standards of Learning (SOL) and suggested that African American history content should begin in the third grade when the SOLs begin. Parent engagement also is key for student support.
- Ms. Belsches suggested expanding the historical narrative to include events and people relevant to Virginia's communities. Storytelling will help expand the narrative and deepen student learning. Rich, historical content should be provided to teachers so that they can be sure to have excellent sources to draw from in their lessons.
- Ms. Foster suggested learning about the robust history of African Americans and their cultures rather than just starting with slavery that marked African Americans being brought to America.
- Ms. Bryant emphasized Black excellence and drawing from role models from a variety of fields to show the broad range of accomplishments made by Black scholars.
- Mr. Miller added that changing African American history will require changing the historical narrative taught in the Commonwealth's schools.

How can we ensure that teachers are adequately prepared to teach African American history to diverse student populations?

- Mr. Cole emphasized that the Commissions' work provides an opportunity to help teachers become culturally competent, starting at reforming education programs at the university level to training established educators. He also suggested finding teachers who are already doing excellent work bringing African American research into the classroom and drawing from their expertise.
- Mr. McCoy suggested improving the pipeline for teachers of color to bring more African American mentors and teacher into Virginia's classrooms.

AMERICAN OVERSIGHT

- Ms. Howell pointed to the need for reflection and a constant assessment of personal biases is an important aspect of preparing teaches to work with all students. Training should also be ongoing – educators should not expect just to work on it once and then move on.

How might we improve African American history in general?

- Mr. Cole agreed with the focus the Commission has made on improving history Pre-K through 12, so that it is not just a topic covered for one year or in one class.
- Ms. Foster pointed to the possibility of making African American history its own certification.
- Several panel members spoke of how the community aspect of education contributes to a sense of history. One example of this is the negative connotations Black students will feel if they attend a school named for a Confederate general.

Can you provide a few more ideas about what can be done to ensure that teachers have the adequate content knowledge to teach African American history?

- Ms. Brown suggested communication and collaboration with parents.
- Ms. Bryant recommended that the structure and weight of high school courses should be a consideration. Even if a school is offering an African American history course, if it is not an attractive class for students to take in terms of meeting their degree plans, they may overlook it. Local history must be addressed too because it is especially relevant to the lives and experiences of teachers and students.

What do you think about the notion of oral history as a form of living Black history?

- Mr. McCoy indicated that sharing lived experience is a relevant way for students to explore and connect with history.

Public Comment

Leah Walker facilitated public commentary. Each member was allowed three minutes to speak to provide for a wider range of comments. Members of the public were also invited to submit comments or statements in writing on the Commission's website. The responses were as follows.

- Ma'asehyahu Isra-Ul, instructional specialist for history and social science for the Richmond Public School system emphasized the value of social studies and history because it has been undervalued over time and public schools across the nation are lessening social studies instruction in favor of improving English and math scores.
- Jemima Davis, living history interpreter, spoke of her vast experience going into schools and teaching about African American history, beginning with African culture. She lamented that the way that African American history is currently taught leaves these students out of their own cultural history.
- Sam Taylor touched on his experience as an author and diversity trainer and spoke to the need to also explore why African American history has not been taught to provide context for why it is so important. It is also important to put cultural and historical tales in context because African American history is both U.S. and world history.
- Charlotte Hayer, RPS teacher, stated that improving teacher capacity will require steps beyond a simple course to help teachers understand the importance of their role in being caring, respectful role models for their students.
- Ingrid Mendoza, social science specialist from Loudoun County, spoke to the need to raise teacher consciousness of white supremacy and how it has negatively impacted the schools.
- Wendy Howard Cooper emphasized lifting up the perspective of Virginia's children and being aware that the circumstances surrounding a child's community and upbringing will impact how they learn and connect with history.
- Colleen Eddy, coordinator for social studies for Fairfax County Public Schools, pointed to specific issues with the existing Virginia curriculum framework, including the lack of meaningful and honest attention to American slavery. It is especially problematic that studies of the economic justifications and intricacies of slave labor do not touch on the human and emotional horrors endured by enslaved African Americans.

AMERICAN OVERSIGHT

- Naila Holmes, director of Human and Civil rights with the Virginia Education Association, mentioned the VEA's work on establishing a dialogue on institutional racism that limits opportunities and prevents students from realizing his or her full potential.
- Tanya Pruett shared that her own history education was not inclusive and spoke to the importance of African American history as a crucial aspect of U.S. history. Making an elective course is not sufficient to address the problem.

AMERICAN OVERSIGHT

Listening Session Meeting Minutes, March 11, 2020

Norfolk State University
700 Park Avenue, Norfolk, Virginia 23504

Attendees

Present Commission Members: Dr. Cassandra Newby-Alexander, Makya Little, Rodney Jordan, Pat Fisher, Christy Coleman, Renita Williams

Virginia Department of Education Staff: Tori Noles, Jenné Nurse, Christonya Brown, Christine Harris

Student Panel: Faith Handling, Julate Hillman, Myles Hunt, Bryce Marchetti, Jaylen Riddick, Harrington Smith, Charity Warren

Welcome and Overview

Dr. Cassandra Newby-Alexander, Norfolk University professor, dean of the college of liberal arts, and commission co-chair, welcomed all attendees on behalf of both Norfolk State University and the Commission on African American History Education in the Commonwealth. Norfolk State University is an institution that embraces the vital contributions that African Americans have made to the state and nation. All students who graduate are required to take at least one course on African American history, though they may choose the discipline from history itself to fine arts and science. She briefly touched on Norfolk State University's role in helping conduct the research that shaped the civil rights movement and invited everyone in attendance to visit the university once the COVID-19 situation impacting the United States is under control.

Dr. Newby-Alexander also explained the Commission's charge: that Governor Ralph Northam established the Commission to deliver a report that looked at the Standards of Learning in Virginia to pinpoint what can be fixed immediately, and how they could be changed in the long term to promote inclusion of African American history. The Commission also must write on broader considerations about how history in the commonwealth can be shaped to promote a more contextualized, accurate and inclusive view of the United States. The third main charge is to issue recommendations for professional development to improve the teaching and learning of African American contributions to history. Additionally, the Commission will make future-facing recommendations about Virginia's standards as a whole.

Tori Noles, special assistant to Virginia's Secretary of Education, brought greetings from Secretary Atif Qarni and Chief Diversity Officer Janice Underwood. She thanked the commission for their work and reiterated that the department is there to help in any way it can.

Jenne Nurse, equity coordinator at the Virginia Department of Education, brought greetings from the State Superintendent and the Department itself before highlighting the work that educators and the public have done in previous listening sessions by participating in panels. The panels have consisted of teachers, office staff, parents and community advocates. The panel convened at Norfolk was comprised of students, who are equally vital voices to provide feedback on education and African American history in the commonwealth.

Student Panel

The student panel was moderated by Dr. Newby-Alexander and included:

- Faith Handling, Norfolk Public Schools
- Julate Hillman, Virginia Beach Public Schools
- Miles Hunt, Portsmouth Public Schools
- Bryce Marchetti, Chesapeake Public Schools
- Jaylen Riddick, Chesapeake Public Schools
- Harrington Smith, Virginia Beach Public Schools
- Charity Warren, Norfolk Public Schools

AMERICAN OVERSIGHT

The panel's format mostly involved moderator Dr. Newby-Alexander asking specific students questions based on information the students had shared about their experiences in school before the panel. Other students were able to comment if they had something they wanted to add.

How have you been personally affected by the way African American history is taught?
Students were invited to answer this question to give their perspectives on African American history during their experiences in Virginia's public schools. General points included the following.

- Students have been affected by how it is not taught – that they have not really been taught much about African American history during their time in school.
- One student commented that the only African American historical figures they were taught during school were "the big four": Martin Luther King, Jr, Rosa Parks, Jackie Robinson, and George Washington Carver. To get a broader perspective of history, they had to research on their own.
- Another student mentioned that their time in a predominantly African American private school allowed for a much broader look at the contributions of African Americans to U.S. history, but the moment they entered public school, it was minimized.
- African American history was often reduced to small facts learned during Black History Month or names of figures who broke barriers whose names they learned for tests. For one student, it led to a general loss of her sense of self, that history was not something she could personally relate to.
- Another student commented that though there was an African American history class available at their school, it was an elective, so not many students would end up taking it.
- Another student mentioned that his teachers tried to include African American content in their courses, but it was not comprehensive and did not lend a sense of gravity or identity. The exclusion of African American historical content in Virginia's schools leaves out a vital building block of U.S. history that all students should know.

What considerations should be made to improve the inclusion of African American history instruction?

- African American history is a complex narrative, especially because African Americans in the U.S. have such a mix of cultural and national heritages. Conversations about war and slavery are obviously difficult and will cause potential conflict between students, which is why it is so important to properly arm teachers with the knowledge and skills they need to moderate these discussions and give a thoughtful, broad and inclusive view of U.S. history.
- One student suggested that it might be helpful to dedicate a Standards of Learning (SOL) to African American history, beginning in 1619 when Africans were first brought to the United States and touch on major historical points from there. It is important to not only discuss the conditions of slavery, but also the African Americans who were free and made their own contributions to history. The goal should be for students to have a good understanding of U.S. history, which includes the contributions of African Americans.

Identify current practices in history instruction that could be reconsidered, added or revised as it pertains to African American history.

- There should be a course available to touch specifically on African American history. In U.S. history, instruction should go beyond slavery, the Black renaissance, and the civil rights movement. Students should know what happens between for all of the unique cultures that have contributed to U.S. history.

How can we ensure that teachers are adequately prepared to teach African American history to diverse student populations?

- The first step would be to ensure that all teachers are credentialed for African American history but to also have a candid talk with educators to reiterate that the only way to honestly address U.S. history is to include the darker, violent aspects. They need to be sure they are emotionally prepared and have the strategies to discuss these difficult topics with their students.

Do you have suggestions about how to improve teachers' knowledge and comfort when they are teaching African American history?

- Ideally, a teacher that has sought out or taken African American history. Beyond that, the educator should be comfortable in his or her own cultural and historical background and extended that comfort the more difficult parts of U.S. history.

AMERICAN OVERSIGHT

- Teachers being prepared to have difficult conversations goes beyond professional development and credentials. Learning history should be ongoing and holistic, and educators should present historical content to their students in a way that allows them to emotionally grasp the gravity of it rather than sticking to the drier aspects.

What would you do to improve African American history education?

- Diversification is important. Students learn in different ways, so history education should be well-rounded. It should not only focus on the past but also the present and implications for the future. History has depth and students should feel its importance in everything that they do as they learn and grow as individuals.

Would including local history into the curriculum help engage students?

- One student mentioned living near Old Point Comfort on Fort Monroe, where the first enslaved African Americans were brought to the United States in 1619. The history there is local, personal and deeply relevant to the United States. Local history is also relevant in terms of community figures who had parts to play in shaping American history.
- Conversations about important events and people that begin in the classrooms should also go home, where students can talk to their parents about what they can share regarding local landmarks and figures.
- Being able to visualize history through what students can discover locally could appeal to them and keep them engaged because it is something they can see and interact with. Being more knowledgeable about how events have shaped their cities and communities will also allow students to be more civic-minded and better informed.

Final Comments:

- Hosting panels of stakeholders open for public comment is vital to the Commission's work because it allows for collaboration. Moving toward a more inclusive view of history and academics in public schools goes beyond the department of education and requires students, teachers, administrators, families and community stakeholders be part of the conversation.
- Teachers should be passionate about what they teach. Content so important should not just be a checklist for tests or curriculum. History should be personal, innovative and engaging.
- Connecting the history of African Americans in the United States to the current successes that the nation enjoys is vital. The fight for a quality education at the local and state levels should be clear to students and families so that they know the importance of properly funding schools and preparing students and future teachers.
- The narrative surrounded African American history needs to go beyond the notion that they are just survivors. They are innovators, creators, entrepreneurs.

Public Comment

The public comments section included attendees submitting their comments by number, with three minutes to speak. Comments also were welcomed to be submitted online in their entirety. Briefly, the recorded comments included the following.

- The first speaker, a French teacher, mentioned their petition to boycott World History I and II because it does not teach fully factual, contextualized history beyond what is said to have been solely built by Europeans and primarily white nations. Educators need to do better and give a wider, more inclusive look at history and the contributions of African Americans.

- Brother Kim, from the Association for African American Life and History (ASALH), mentioned that the disconnect between what students are taught, their identities, and the full truth of African American contributions comes down to how it is taught. The ASALH offers its services to assist with professional development in how to prepare teachers to include African American content across disciplines and the curriculum.

- One commenter pointed to a lack of engagement with content that leads to students not seeking out or learning more about history. From early grades, they need a glimpse of how what they are learning fits into the broader picture and how it is personal to them.

AMERICAN OVERSIGHT

- One commenter introduced several points relating to African American history to potentially enrich the curriculum, from mathematician Katherine Johnson to the Dallas Act. Once the speaker began attending college, the desire to discover what they did not learn in high school concerning African American history inspired them to do research on their own, and the effect is an empowering knowledge of personal and cultural history that all students should experience while in primary and secondary school.
- African American history is American history. Racism is an integral driver of policy and struggle that African Americans in the United States have fought to overcome, but it is not often discussed in the classroom. It is important to address these realities and to broaden the field of teaching to include and incentivize more minority educators. As the state grows more diverse, so too should the teachers.
- A currently employed English teacher reiterated that a multidisciplinary approach is ideal for engaging students with African American history in all their subjects.
- The final speaker emphasized that the history of America has been rooted in fiction more than fact. Classes should bring in elements of the history of all races and cultures that have helped form the United States, but African American contributions were a vital component for building the nation itself. Slavery helped propel the success of states like Virginia and perpetuated injustice, but it also was home to the underground railroad and efforts by African Americans to assert their freedom.

AMERICAN OVERSIGHT

Appendix D: Curriculum Framework Edits for Consideration

Commission on African American Education in the Commonwealth
Proposed Technical Edits

The following are proposed technical edits to the Curriculum Frameworks by the Standards Subcommittee of the Virginia Commission on African American History Education. The Virginia Superintendent of Public Instruction and the Virginia Board of Education (VBOE) will consider these recommendations for approval at a later date. Further, these recommendations will be considered as a part of the Commission's larger charge for consideration by the VDOE, VBOE, and during the History and Social Science Standards' Review and Revision process anticipated to begin in 2021.

Course: Kindergarten

Standard	Original language	AAHEC Recommendation
K.1b		Where it states community or community members, reference African American neighborhoods.
K.1c	• Listen to community members; discuss events, stories, and legends to learn about the community.	• Listen to community members, **of diverse backgrounds,** discuss events, stories, and narratives to learn about the community.
K.2ab	Each local community has a unique history that includes stories and legends that have developed over time. Local schools and divisions may determine community-related events, stories, legends, and people to be studied.	Each local community has a unique history that includes stories and narratives ~~legends~~ that have developed over time. Localities recognize people who contributed to the development of the community over time. Local schools and divisions may determine community-related events, stories, narratives ~~legends~~, and people to be studied.

Course: Grade One

Standard	Original language	AAHEC Recommendation
1.1b	**Constructing maps** • Create a simple drawing of the classroom, school, community, or areas/locations.	**Constructing maps** • Create a simple drawing of the classroom, school, community, or areas/locations in relationship to the content in the curriculum framework.
1.1d	**Experiences may include but are not limited to the following:** • Create interview questions to ask the early settlers of Virginia.	**Experiences may include but are not limited to the following:** • Create interview questions to ask the early English settlers, Virginia Indians, and Africans of Virginia.
1.1f	**Experiences may include but are not limited to the following:** • Describe how the relationship between Pocahontas and the	**Experiences may include but are not limited to the following:** • ~~Describe how the relationship between Pocahontas and the Jamestown settlers affected the success of the Jamestown settlement.~~

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
	Jamestown settlers affected the success of the Jamestown settlement.	• Describe how the relationship between diseases and weapons of the English settlers impacted the Virginia Indians.
1.1g	**Experiences may include but are not limited to the following:** • Discuss how jobs in Virginia have changed over time	**Experiences may include but are not limited to the following:** • Discuss how jobs in Virginia have changed over time for all Virginians.
1.2a,b,c	**Essential Understandings** Many people, and events contributed to Virginia history. **Essential Knowledge** Many different people, and events helped shape Virginia's history.	**Essential Understandings** Many people, **from diverse backgrounds**, and events contributed to Virginia history. **Essential Knowledge** Many different people, **cultures,** and events helped shape Virginia's history.
1.3a-e	**The student will describe the stories of influential people in the history of Virginia and their contributions to our Commonwealth, with emphasis on** **a) Powhatan;** **b) Pocahontas;** **c) Christopher Newport;** **d) Maggie L. Walker;** **e) Arthur R. Ashe, Jr.;**	**The student will describe the stories of influential people in the history of Virginia and their contributions to our Commonwealth, with emphasis on** **a) Powhatan;** **b) Pocahontas;** **c) Christopher Newport;** **d) Maggie L. Walker;** **e) Arthur R. Ashe, Jr.;** **f) Lawrence Douglas Wilder; and** **g) John Mercer Langston.**
1.3f,g		• Lawrence Douglas Wilder: He was the first elected African American Governor of Virginia and in the United States. • John Mercer Langston: First African American Congressmen from Virginia.
1.4d		**The student will describe the lives of people associated with major holidays, including** **a) George Washington Day (Presidents' Day);** **b) Independence Day (Fourth of July); and** **c) Martin Luther King, Jr., Day.** **d) Juneteenth**
1.4d		• Juneteenth: It is traditionally the day that celebrates the end enslavements of African-Americans in the United States. It is observed on June 19th.
1.10a - f		**Essential Understandings** Not everyone was considered a citizen when our country began, and for a long time after that, even until today. **Essential Knowledge** Students can demonstrate good citizenship by • being inclusive of others despite differences • exercising civic duties like voting and paying taxes

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
1.12a, b	**Essential Knowledge** **Terms to know** ● symbol: A picture, or thing that stands for something else ● tradition: A custom or belief that is practiced or observed over a long period of time ● patriotic: Showing respect for and love of country, and state	**Essential Knowledge** **Terms to know** ● symbol: A picture, object, or action ~~or thing~~ that stands for something ~~else~~ ● tradition: A custom or belief that is practiced or observed over a long period of time ● patriotic: Showing respect for and love of country, ~~and state~~ state, and neighbors
1.13a, b, c	**Essential Knowledge** People in Virginia's communities are united as Americans by common principles and traditions. , such as ● celebrating Independence Day (Fourth of July) ● pledging allegiance to the flag.	**Essential Knowledge** People in Virginia's communities are united as Americans by common principles and traditions.

Course: Grade Two

Standard	Original language	AAHEC Recommendation
2.4j	● Martin Luther King, Jr.: He was an African American minister who worked so that all people would be treated fairly. He led peaceful marches and gave speeches.	● Martin Luther King, Jr.: He was an African American minister who advocated ~~worked~~ so that all people would be treated fairly. He led peaceful marches and gave speeches. He was an important leader in the Civil Rights Movement who fought to end racial segregation.
2.5a	● Martin Luther King, Jr., Day: This is a day to remember an African American minister who worked so that all people would be treated fairly. It is observed in January.	● Martin Luther King, Jr., Day: This is a day to remember an African American minister who advocated ~~worked so that all people would be treated fairly~~ to end racial segregation and promote racial equality. It is observed in January.

Course: Virginia Studies

Standard	Original language	AAHEC Recommendation
VS.1d	**Experiences may include but are not limited to the following:** ● Respond to guiding questions to help in understanding multiple perspectives	**Experiences may include but are not limited to the following:** ● Respond to guiding questions to help in understanding multiple perspectives of people from diverse backgrounds:

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
VS.2d		**Essential Understandings** The Powhatan American Indians called their land Tsenacomoco.
VS.2e		**Climate in Virginia** • Native Americans tried to escape from the English Colonists by hiding and living in the Dismal Swamp.
VS.2g		**Essential Understandings** American Indians and their culture were greatly affected by white European colonization. They intermingled with the English and Africans.
VS.3e	**Essential Understandings** Virginia became a more diverse colony by 1620.	**Essential Understandings** This is the first time that Africans were introduced to the Virginia colony and became permanent part of Virginia's population. ~~Virginia became a more diverse colony by 1620.~~
VS.3e	**Essential Knowledge** Portuguese sailors captured African men and women from what is present-day Angola. The legal status of these early African men and women as either servants or enslaved persons once they arrived in Virginia is unknown. Africans arrived in Virginia against their will in 1619. The arrival of Africans made it possible to expand the tobacco economy. The arrival of additional women in 1620 made it possible for more settlers to start families, which helped to establish Jamestown as a permanent colony in Virginia.	**Essential Knowledge** ~~Portuguese sailors captured African men and women from what is present-day Angola. The legal status of these early African men and women as either servants or enslaved persons once they arrived in Virginia is unknown.~~ Africans arrived in Virginia against their will in 1619. The first Africans who were forcibly brought to Old Point Comfort were originally free people who were captured by Portuguese soldiers by hired mercenaries in an Angolian region of West Central Africa. With the forced arrival of these Africans Virginia would create a system of people treated as property based on their skin color. ~~The arrival of Africans made it possible to expand the tobacco economy.~~The Virginia Colony's economy was greatly dependent upon temporary and permanent servitude. 90% of the Virginia population were in some form of servitude. In these early years, Virginia would create a disparity between English colonists and Africans. The arrival of additional English women in 1620 made it possible for more settlers to start families, which helped to establish Jamestown as a permanent colony in Virginia.
VS.4a	For this reason, African men, women, and children were brought to the Virginia colony and enslaved to work on the plantations. The Virginia colony became dependent on slave labor, and this dependence lasted a long time.	The Virginia Colony turned to enslaved labor to make money and expand their resources. This dependence lasted for more than two hundred years, until the end of the Civil War. For this reason, African men, women, and children were forcibly brought to the Virginia colony and enslaved to work on the plantations. The Virginia colony became dependent on slave labor, and this dependence lasted a long time.
VS.4e	Most enslaved African Americans worked tobacco, other crops, and livestock.	~~Most e~~Enslaved Africans ~~Americans~~ worked tobacco, other crops, livestock, in industries including shipping, construction, and other trades. Africans came to America with prior knowledge of skilled trade.

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
	Enslaved African Americans were denied basic rights. Some free African Americans owned land but were denied basic rights.	Enslaved Africans ~~Americans~~ were denied basic rights. Some free Africans ~~Americans~~ in America owned land but were denied basic rights. Africans began to have families born in America increasing their population.
VS.5b	**Varied roles of American Indians, whites, enslaved African Americans, and free African Americans in the Revolutionary War era** **Contributions of Virginians during the Revolutionary War era** ● James Lafayette, an enslaved African American from Virginia, served as a spy in the Continental Army during the Revolutionary War. He successfully requested his freedom after the war with the support of the Marquis de Lafayette.	**Varied experiences ~~roles~~ of American Indians, whites, enslaved African Americans, and free African Americans in the Revolutionary War era** **Contributions of Virginians during the Revolutionary War era** ● James Lafayette, an enslaved African American from Virginia, served as a spy in the Continental Army during the Revolutionary War. James Lafayette then had to fight for his freedom and won his freedom many years after the war, ~~He successfully requested his freedom after the war~~ with the support of the Marquis de Lafayette.
VS.6c	● Many enslaved African Americans were sold to people who lived in other southern states	● Many enslaved African Americans were sold to people who lived in other southern states and western territories, permanently separating many families by hundreds of miles.
VS.7a	**Essential Understandings** Because of economic differences, The North and the South were unable to resolve their conflicts, and the South seceded from the United States.	**Essential Understandings** Cultural, economic, and constitutional differences between the North and the South based in slavery eventually resulted in the Civil War. ~~Because of economic differences, t~~The North and the South were unable to resolve their conflicts, and the South seceded from the United States.
VS.7a	**Essential Knowledge** **Differences between northern and southern states** The economy in the northern part of the United States was more industrialized, while the economy in the southern part was agricultural and relied more on slave labor. Northern states wanted the new states created out of the western territories to be "free states," while the southern states wanted the new states to be "slave states."	~~**Differences between northern and southern states**~~ ~~● The economy in the northern part of the United States was more industrialized, while the economy in the southern part was agricultural and relied more on slave labor.~~ ~~● Northern states wanted the new states created out of the western territories to be "free states," while the southern states wanted the new states to be "slave states."~~
VS.7a		**Events leading to secession and war** ● Abolitionists, The Fugitive Slave Act and the Underground Railroad were all contributing factors to the Civil War because most white southerners strongly believed they had the right to slavery.
VS.7b	**Major Civil War battles fought in Virginia**	**Major Civil War Events ~~battles fought~~ in Virginia**

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
		• The Confederates were using slaves to help them in the war effort. Three men (Shepherd Mallory, James Baker, and Frank Townsend) refused and escaped to Fort Monroe, this led to the Contraband decision, which led to tens of thousands of enslaved people to seek refuge with the Union Army.
VS.7c	American Indians, whites, enslaved African Americans, and free African Americans had various roles during the Civil War.	American Indians, whites, enslaved African Americans, and free African Americans ~~had~~ experienced the Civil War different ways. ~~various roles during the Civil War.~~
VS.7c	**Varied roles of American Indians, whites, enslaved African Americans, and free African Americans during the Civil War** • Many enslaved African Americans sought freedom by following the Union Army, where many found work. • Clara Barton, a Civil War nurse, created the American Red Cross.	**Varied experiences ~~roles~~ of American Indians, whites, enslaved African Americans, and free African Americans during the Civil War** • Many enslaved African Americans sought freedom by following the Union Army, where many found work. African American soldiers were paid less than white soldiers. • Clara Barton, a Civil War nurse, created the American Red Cross. Harriet Tubman, an abolitionist and political activist, and conductor on the Underground Railroad. Elizabeth Van Lew, a Virginia abolitionist and spy for the Union Army. Mary Bowser was an African American Union spy. • Robert Smalls, an African American sailor and later a Union naval captain, was highly honored for his feats of bravery and heroism. He was elected to the United States House of Representatives after the war.

VS.8a	**Problems faced by Virginians during Reconstruction**
	• Hundreds of thousands of freed African Americans needed housing, education, clothing, food, and jobs.
	• Virginia's economy was in ruins:
	  ○ Money had no value.
	  ○ Banks were closed.
	  ○ Railroads, bridges, plantations, and crops were destroyed.
	  ○ Businesses needed to be rebuilt.
	
	Measures taken to resolve problems
	The Freedmen's Bureau was a federal government agency that provided food, public schools, and medical care for freed African Americans and others in Virginia.
	• Sharecropping was a system common in Virginia after the war in which freedmen and poor white farmers rented land from landowners by promising to pay the owners with a share of the crops
		Problems faced by Virginians during Reconstruction
		• African Americans faced injustice, increased violence, and discrimination immediately after the end of slavery.
		
		Measures taken to resolve problems
		• Sharecropping was a system with unfair practices that locked people into poverty. Sharecropping was common in Virginia after the war;, ~~in which~~ freedmen and poor white farmers rented land from landowners by promising to pay the owners with a share of the crops.
		• African Americans pushed for education for their children. This directly resulted in Freedom's First Generation of who some became doctors, lawyers, and teachers. African Americans saw education as a path to greater opportunities. Despite the obstacles they faced, many African Americans achieved excellence.

VS.8b	During Reconstruction, African Americans began to have power in Virginia's government, and black and white men could vote and hold office.	During Reconstruction, African Americans began to have power in Virginia's government, and black and white men could vote and hold office. Black Virginians led the fight for the first public school system in Virginia.

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
		-John Mercer Langston was an important African American leader before, during, and after the Civil War ● Free black from Louisa County, Virginia who was educated in Ohio and became a lawyer in the North ● Abolitionist who participated in the Underground Railroad in Ohio ● Recruited black volunteers to serve as soldiers in the Union Army during the Civil War ● Returned to Virginia after the Civil War and became the President of a new black college in Petersburg later known as "Virginia State University" ● First African American elected to the U.S. Congress from Virginia
VS.8b	After Reconstruction, these gains were lost when "Jim Crow" laws were passed by southern states. "Jim Crow" laws legally established segregation, or separation of the races, and reinforced prejudices held by whites.	After Reconstruction, these gains were taken away through violence, intimidation, and ~~lost~~ when "Jim Crow" laws were passed by southern states. "Jim Crow" laws legally established segregation, or separation of the races, and reinforced prejudices held by whites.
VS.9a		The port of Virginia saw an expansion of the shipbuilding industry, launching a maritime industry centered on Hampton Roads.
VS.9b		The PWA (Public Works Administration) and the WPA (Works Progress Administration) in providing jobs for the population, especially African Americans. The PWA also built schools, libraries, and hospitals. Virginia was also the only state that hired black professionals to help interview former slaves as part of the Federal Writers project.

Course: United States History to 1865

Standard	Original language	AAHEC Recommendation
US1.1f	**Experiences may include but are not limited to the following:** ● Compare charts, graphs, and/or maps to determine the role diversity played in affecting the social, economic, and political structure of the United States. ● Create flow charts, storyboards, and timelines to explore multiple causes and effects. ● Determine how the choices of selected individuals or groups influenced United States history.	**Experiences may include but are not limited to the following:** ● Compare charts, graphs, and/or maps to determine the role diversity played in affecting the social, economic, and political structure of the United States. ● Create flow charts, storyboards, and timelines to explore multiple causes and effects. ● Determine how the choices of selected individuals or groups influenced United States history. ● Examine the decisions by Africans Americans to support either the Americans or British in the American Revolution.
USI.1g	**Experiences may include but are not limited to the following:**	**Experiences may include but are not limited to the following:** ● Create a flowchart to show connections between what explorers wanted to accomplish in the west (e.g., find new land for

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
	• Create a flowchart to show connections between what explorers wanted to accomplish in the west (e.g., find new land for farming) and the effect that these interests had on American Indians (e.g., American Indians were displaced from their land). Discuss how the relationship between the explorers and the American Indians changed over time.	farming) and the effect that these interests had on American Indians (e.g., American Indians were forcibly removed from their land and in many cases massacred ~~displaced from their land~~). Discuss how the relationship between the explorers and the American Indians changed over time.
USI.1j	• Create a social media page or blog about an event from United States history. Take a position on the topic, and use a variety of sources as evidence to support the stance. ○ French Explorer: Exploration of North America ○ Member of British Parliament: Declaration of Independence ○ American Indian: Manifest Destiny ○ Resident of the Kansas territory: Kansas Nebraska Act	• Create a social media page or blog about an event from United States history. Take a position on the topic, and use a variety of sources as evidence to support the stance. ○ French Explorer: Exploration of North America ○ Member of British Parliament: Declaration of Independence ○ Enslaved African Americans: Emancipation Proclamation ○ American Indian: Manifest Destiny ○ Resident of the Kansas territory: Kansas Nebraska Act
US1.5a	**Essential Knowledge** Colonies and the reasons they were established • Roanoke Island (Lost Colony) was established as an economic venture. • Jamestown settlement, the first permanent English settlement in North America (1607), was an economic venture by the Virginia Company. • Plymouth Colony was settled by separatists from the Church of England who wanted to avoid religious persecution. • Massachusetts Bay Colony was settled by the Puritans to avoid religious persecution. • Pennsylvania was settled by the Quakers, who wanted	**Essential Knowledge** Colonies and the reasons they were established • This list is not exhaustive of all of the colonies that shaped America.

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
	freedom to practice their faith without interference. ● Georgia was settled by people who had been in debtors' prisons in England. They hoped to experience economic freedom and start a new life in the New World.	
US1.5d	**Women** ● Worked as caretakers, house-workers, and homemakers ● Were not allowed to vote ● Had few opportunities for getting an education **Free African Americans** ● Were able to own land ● Had economic freedom and could work for pay and decide how to spend their money ● not allowed to vote	**White Women** ● Worked as caretakers, house-workers, and homemakers ● Were not allowed to vote ● Had few opportunities for getting an education **Free African Americans** ● Were able to own/inherit land in some cases ● Had limited economic freedom and could work for pay and decide how to spend their money in some cases ● Had varying degrees of freedom and were not allowed to vote (men or women)
US1.6b	**Essential Understandings** The Declaration of Independence proclaimed independence from Great Britain. It stated that people have natural (inherent) rights to life, liberty, and the pursuit of happiness.	**Essential Understandings** The Declaration of Independence proclaimed independence from Great Britain. It stated that people have natural (inherent) rights to life, liberty, and the pursuit of happiness. In practicality, it only applied to white men at this time.
US1.6c	**Key individuals**	**Key individuals** ● Crispus Attucks: Fugitive enslaved African American who was the first person to die in the Boston Massacre ● James Armistead Lafayette: Enslaved African American from Virginia served as a spy in the Continental Army during the Revolutionary War. James Lafayette then had to fight for his freedom and won his freedom many years after the war, with the support of the Marquis de Lafayette.
USI.7b	**The Constitutional Convention**	**The Constitutional Convention** ● The Three-fifths Compromise perpetuated slavery in the United States.
US1.7c	● Thomas Jefferson ○ Lewis and Clark explored -new land west of the Mississippi River;	● Thomas Jefferson ○ The Lewis and Clark Expedition, which included enslaved peoples Sacagewa and York, explored ~~new~~ land west of the Mississippi River;
US1.8d	**New technologies and their impact on society** ● The cotton gin was invented by Eli Whitney. It increased the production of cotton and thus increased the need for slave labor to cultivate and pick the cotton.	**New technologies and their impact on society** ● The cotton gin was ~~invented~~ patented by Eli Whitney. It increased the production of cotton and thus increased the need for slave labor to cultivate and pick the cotton.

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
US1.8e	**Essential Understandings** The abolitionists worked to end slavery. The women's suffrage movement helped women gain equal rights.	**Essential Understandings** The abolitionists worked to end slavery. ~~The women's suffrage movement helped women gain equal rights.~~ The beginning of the women's suffrage movement included both white and African American women known as suffragists. Not all white suffragists were in agreement that women of color should be extended the right to vote.
USI.9a	**Essential Understandings** Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War.	**Essential Understandings** ~~Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War.~~Struggles over the future of slavery's expansion agitated the United States for decades and led the nation into the Civil War.
US1.9a	**Essential Knowledge** **Issues that divided the nation** ● Slavery o While there were several differences between the North and the South, the issues related to slavery increasingly divided the nation and led to the Civil War. o Much of America's economy revolved around the institution of slavery. ● Cultural issues o The North was mainly an urban society in which people held jobs in cities. o The South was primarily an agricultural society in which people lived in small villages and on farms and plantations. o Because of their cultural differences, people of the North and South found it difficult to agree on social and political issues. ● Economic issues o The North was more of a manufacturing region, and its people favored tariffs that protected factory owners and workers from foreign competition. o The South was largely agricultural. Southerners opposed tariffs that would cause	**Essential Knowledge** **Issues that divided the nation** ● Slavery o ~~While there were several differences between the North and the South, the issues related to slavery increasingly divided the nation and led to the Civil War.~~ o Much of America's economy revolved around the institution of slavery. o Slavery was growing larger, stronger, and more powerful in each decade after 1800. o By 1860, nearly four million Americans lived in perpetual bondage. ● Cultural issues ● The North and the South shared a culture of Protestant Christianity, political beliefs based on the Constitution, and ideals of personal property.~~The North was mainly an urban society in which people held jobs in cities.~~ o A culture of reform grew in the North, fed by the Second Great Awakening, aspirations of social improvement, activist women, and charismatic reformers.~~The South was primarily an agricultural society in which people lived in small villages and on farms and plantations.~~ o ~~Because of their cultural differences, people of the North and South found it difficult to agree on social and political issues.~~ ● In the South, white people argued that the Bible sanctioned slavery and that slaveholders acted as Christian protectors of enslaved people ● Black southerners saw themselves as a people held in bondage like the Israelites in the Bible and had faith they would one day be delivered from slavery. ● Economic issues ~~The North was more of a manufacturing region, and its people favored tariffs that protected factory owners and workers from foreign competition.~~ o ~~The South was largely agricultural. Southerners opposed tariffs that would cause prices of manufactured goods to increase. Planters were also concerned that Great Britain might stop buying cotton from the South if tariffs were added.~~ ● In both the North and the South, most people were farmers ● About a fourth of white Southern families owned enslaved people and grew wealthy from their labor.

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
	prices of manufactured goods to increase. Planters were also concerned that Great Britain might stop buying cotton from the South if tariffs were added. ● Constitutional issues ● A major conflict was states' rights versus strong central government.	● Powerful economic interests in both regions fought for economic advantage with government policies favorable to them. ● Plantation slavery was economically powerful but did not develop as many towns, cities, and factories as the North. ~~● Constitutional issues~~ ~~● A major conflict was states' rights versus strong central government.~~ ● Political Issues ● Voters in the North and the South belonged to the same political parties from the 1820s through the 1850s: Democrats and Whigs. ● The two parties found ways for the divergent interests of the North and South to be compromised. ● The emergence of the Republican Party in the late 1850s gave voice to Northerners angry at Southern dominance of the federal government out of proportion to white population. ● These political differences, fed by the invention of the telegraph and the spread of newspapers, led the South to secede.
USI.9b	○ A stricter fugitive slave law was enacted,	○ ~~A stricter fugitive slave law was enacted,~~ The Fugitive Slave Act of 1850 was passed.
USI.9b	● Most Southerners believed that the states had freely created and joined the union and could freely leave it.	● Most White Southerners believed that the states had freely created and joined the union and could freely leave it.
US1.9d	● Frederick Douglass ○ Was a former enslaved African American who promoted African American involvement in the Civil War	● Frederick Douglass ○ Was a former enslaved African American who promoted African American involvement in the Civil War by creating the United States Colored Troops.
US1.9f	**General effects of the war** ● Clara Barton, a Civil War nurse, created the American Red Cross.	● Clara Barton, a Civil War nurse, created the American Red Cross. Harriet Tubman, a abolitionist and political activist, and conductor on the Underground Railroad. Elizabeth Van Lew, a Virginia abolitionist and spy for the Union Army. Mary Bowser was an African American Union spy.

Course: United States History: 1865 to the Present

Standard	Original language	AAHEC Recommendation
USII.1g		● Create a timeline that illustrates the role of Jim Crow (segregation) laws in the 20th century and how those laws restricted the rights, economic decision-making, and choices of African Americans
USII.1h	**Problem**: Which of the following amendments to the United States Constitution is most important	Deletion

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
USII.2b	**Examples of manufacturing areas** ● Textile industry: New England	**Examples of manufacturing areas** ● Textile industry: New England ● Hair Care & Cosmetics industry: St. Louis
USII.3a	**Basic provisions of the amendments** ● The 13th Amendment bans slavery, in the United States and all of its territories.	**Basic provisions of the amendments** ● The 13th Amendment bans slavery, except for felonies, in the United States and all of its territories.
USII.3a	Although these three amendments guarantee equal protection under the law for all citizens, American Indians and women did not receive the full benefits of citizenship until later.	Although these three amendments guarantee equal protection under the law for all citizens, American Indians and women of all races, ethnicities, and nationalities did not receive the full benefits of citizenship until many generations later.
USII.3b	The Reconstruction policies were harsh and created problems in the South. Reconstruction attempted to define the means by which all Southerners could live together equally.	Reconstruction attempted to create legal equality for free and formerly enslaved African Americans. The Amendments to the Constitution during Reconstruction laid the legal foundation for the equality of all Americans, which we continue to pursue.
USII.3b	**The student will apply social science skills to understand the effects of Reconstruction on American life by** **b) describing the impact of Reconstruction policies on the South and North;** Essential Understanding The Reconstruction policies were harsh and created problems in the South. Reconstruction attempted to define the means by which all Southerners could live together equally.	**The student will apply social science skills to understand the effects of Reconstruction on American life by** **b) describing the impact of Reconstruction policies on the South and North;** Essential Understanding ~~The Reconstruction policies were harsh and created problems in the South.~~ ~~Reconstruction attempted to define the means by which all Southerners could live together equally.~~ Reconstruction attempted to create legal equality for free and formerly enslaved African Americans. The Amendments to the Constitution during Reconstruction laid the legal foundation for the equality of all Americans, which we continue to pursue.

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
USII.3b	Essential Knowledge **Reconstruction policies and problems** ● Southern military leaders could not hold office. ● African Americans could hold public office. ● African Americans gained equal rights as a result of the Civil Rights Act of 1866, which also authorized the use of federal troops comprised mainly of Northern soldiers for its enforcement. ● Southern states adopted Black Codes to limit the economic and physical freedom of former slaves. ● Federal troops supervised the South. ● The Freedmen's Bureau was established to aid former enslaved African Americans in the South. ● Southerners resented Northern "carpetbaggers," some of whom took advantage of the South during Reconstruction.	Essential Knowledge **Reconstruction policies and problems** ● ~~Southern military leaders could not hold office.~~ ● ~~African Americans could hold public office.~~ ● ~~African Americans gained equal rights as a result of the Civil Rights Act of 1866, which also authorized the use of federal troops comprised mainly of Northern soldiers for its enforcement.~~ ● The Freedmen's Bureau was established to aid former enslaved African Americans in the South. ● Southern states adopted Black Codes to limit the economic and physical freedom of former slaves. ● After the adoption of the Reconstruction laws, former Confederates states could not be readmitted to the United States until they held conventions to write new constitutions that adopted the 14th Amendment ● African American men could vote for delegates to those conventions and serve as delegates ● Federal troops supervised the South. ● ~~The Freedmen's Bureau was established to aid former enslaved African Americans in the South.~~ ● ~~Southerners resented Northern "carpetbaggers," some of whom took advantage of the South during Reconstruction.~~ ● The state governments under Reconstruction adopted laws to create public education and new state institutions ● Most white Southerners resisted the Reconstruction governments and worked to replace them as soon as possible ● One state after another came under the control of the Democrats in the early 1870s
USII.3b	**End of Reconstruction and its impact** ● Reconstruction ended in 1877 as a result of a compromise over the outcome of the election of 1876 ● Federal troops were removed from the South. ● Rights that African Americans had gained were lost through "Jim Crow" laws ● "Jim Crow" laws affected the rights of American Indians.	**End of Reconstruction and its impact** ● Reconstruction ended in 1877 as a result of a compromise over the outcome of the election of 1876 and troops were removed from the final states still under Reconstruction governments. ● ~~Federal troops were removed from the South.~~ ● Rights that African Americans had gained were lost through "Jim Crow" laws that segregated black and white Southerners from one another. ● Starting in 1890, every Southern state wrote new constitutions that prevented African American men from voting ● ~~"Jim Crow" laws affected the rights of American Indians.~~
USII.3c	**Abraham Lincoln** ● Issued Reconstruction plan calling for reconciliation ● Believed preservation of the Union was more important than punishing the South	**Abraham Lincoln** ● His plan for ~~Issued~~ Reconstruction was not fully formed at the time of his assassination in April 1865 ~~plan calling for reconciliation~~ ● Sought to reconstruct the nation by bringing Southern states back into the Union when 10 percent of voters accepted the end of slavery and reunion

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
		● The resistance of white Southerners to the rights of formerly enslaved people, in Black Codes and violence, led Lincoln's party to begin a more thorough Reconstruction two years after the war's end ~~Believed preservation of the Union was more important than punishing the South~~
USII.3c	**Robert E. Lee** ● Urged Southerners to reconcile with Northerners at the end of the war and reunite as Americans when some wanted to continue to fight	**Robert E. Lee** ● Urged Southerners to reconcile with Northerners at the end of the war and reunite as Americans when some wanted to continue to fight ● Remained silent as laws to create equality for African Americans were proposed and did not encourage white Southerners to cooperate ● Died in 1870 before Reconstruction was fully in place ● After his death, Lee became the leading symbol for the "Lost Cause" movement, in which white Southerners celebrated the leaders of the Confederacy as fighters for a just cause rather than the creation of a new nation based on slavery
USII.3c	**Frederick Douglass** ● Fought for adoption of constitutional amendments that guaranteed voting rights ● Was a powerful voice for human rights and civil liberties for all	**Frederick Douglass** ● Fought for adoption of constitutional amendments that guaranteed voting rights ● Was a powerful voice for human rights and civil liberties for all until his death in 1895
USII.4a	**Essential Understandings** New opportunities and technological advances led to westward migration following the Civil War. Westward expansion had an impact on the lifestyle of American Indians.	**Essential Understandings** New opportunities, population growth, and technological advances led to westward migration following the Civil War. Westward expansion destroyed ways of life that American Indians had practiced for centuries and dispossessed them from their homes. ~~had an impact on the lifestyle of American Indians.~~
USII.4a	**Reasons for increase in westward expansion** ● Opportunities for land ownership ● Technological advances, including the Transcontinental Railroad ● Possibility of obtaining wealth, created by the discovery of gold and silver ● Desire for adventure ● Desire for a new beginning for former enslaved African Americans	**Reasons for increase in westward expansion** ● Land was enabled by the Homestead Act passed during the Civil War, giving 160 acres to those who settled the land ~~Opportunities for land ownership~~ ● Technological advances, including the Transcontinental Railroad ● Possibility of obtaining wealth, created by the discovery of gold and silver ● Desire for adventure ● Desire for a new beginning for former enslaved African Americans ● Immigration of workers from China who built much of the Transcontinental Railroad ● Escape from cyclical poverty and white intimidation and violence
USII.4b	**Efforts to solve immigration problems**	**Efforts to solve immigration ~~problems~~ challenges**
USII.4b	**Challenges faced by cities** ● Tenements and ghettos ● Political corruption political machines	**Challenges faced by cities** ● Tenements and ghettos ● Political corruption led by political machines

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
USII.4c	**Essential Knowledge** **Racial segregation** ● Based upon race ● Directed primarily against African Americans, but other groups also were kept segregated ● Chinese Exclusion Act (1882) provided an absolute 10-year moratorium (halt) on Chinese labor immigration ● American Indians were not considered citizens until 1924	**Essential Knowledge** **Racial ~~segregation~~ discrimination** ● ~~Based upon race~~ ● ~~Directed primarily against African Americans, but other groups also were kept segregated~~ ● Chinese Exclusion Act (1882) provided an absolute 10-year moratorium (halt) on Chinese labor immigration ● American Indians were not considered citizens until 1924 and were restricted to reservations or forced to identify as African American if they were not on reservations. ● Mexican immigrants sometimes welcomed and sometimes deported, depending on labor needs of white employers
USII.4c	**"Jim Crow" laws** ● Also known as "Jim Crow" laws, named after a black character in minstrel shows ● assed to discriminate against African Americans ● Made discrimination practices legal in many communities and states ● Were characterized by unequal opportunities in housing, work, education, and government ● Upheld by the Supreme Court in *Plessy v. Ferguson*	**Racial Segregation ~~"Jim Crow" laws~~** ● Also known as "Jim Crow" laws, named after a black character in minstrel shows ● assed to discriminate against African Americans by forcing them into separate public accommodations ● Made discrimination practices legal in many communities and states ● Were characterized by unequal opportunities in housing, work, education, and government ● Accompanied by laws to prevent African American from voting, called disenfranchisement ● Upheld by the Supreme Court in *Plessy v. Ferguson* in 1896
USII.4c		**Lynching** ● Lynching was the illegal killing of people by gangs of violent vigilantes ● Lynching occurred in all parts of the country and sometimes against accused white people, but increasingly targeted African Americans in the South ● Lynching was meant to intimidate African Americans from asserting themselves in any way, including politically, and were often conducted publicly and with the cooperation of law enforcement ● Lynching grew most prevalent at the same time as segregation and disfranchisement laws, in the 1890s and early 1900s, when thousands of African Americans were killed
USII.4c	**African American responses** ● Booker T. Washington: Believed equality could be achieved through vocational education; accepted social segregation ● W.E.B. DuBois: Believed in full political, civil, and social rights for African Americans and founded the National Association for the Advancement of Colored People (NAACP) along with Ida B. Wells-Barnett	**African American responses** ● Booker T. Washington: Believed equality could be achieved through vocational education; accepted social segregation while secretly working against discriminatory laws ● W.E.B. DuBois: Believed in full political, civil, and social rights for African Americans and founded the National Association for the Advancement of Colored People (NAACP) along with Ida B. Wells-Barnett ● Ida B. Wells-Barnett fought against lynching and the many other injustices suffered by African Americans, publicizing the lynchings in newspaper articles and other writings

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
USII.4d	**Rise of big business led by captains of industry** ● Captains of industry (John D. Rockefeller, oil; Andrew Carnegie, steel; Cornelius Vanderbilt, shipping and railroads; J.P. Morgan, banking)	**Rise of big business led by captains of industry** ● Captains of industry (John D. Rockefeller, oil; Andrew Carnegie, steel; Cornelius Vanderbilt, shipping and railroads; J.P. Morgan, banking) ● Also known as "robber barons," widely criticized at the time for their fights against unions and regulation
USII.4d	**Factors that promoted industrial growth in America** ● Access to raw materials and energy sources ● Large workforce (due to immigration) ● New inventions ● Financial resources	**Factors that promoted industrial growth in America** ● Access to raw materials and energy sources ● Internal migrations of blacks and whites from rural regions to urban centers ● Large workforce (due to immigration) ● New inventions ● Financial resources
USII.4d	**Postwar changes in farm and city life** ● Mechanization (e.g., the reaper) reduced farm labor needs and increased production. ● Industrial development in cities created increased labor needs. ● Industrialization provided new access to consumer goods (e.g., mail order).	**Postwar changes in farm and city life** ● Mechanization (e.g., the reaper) reduced farm labor needs and increased production. ● Industrial development in cities created increased labor needs. ● Industrialization provided new access to consumer goods (e.g., mail order). ● Emergence of labor unions that barred African Americans ● Formation of the Brotherhood of Sleeping Car Porters and Maids
USII.4e	**Women's suffrage movement** ● Susan B. Anthony, Elizabeth Cady Stanton, Alice Paul, and Lucy Burns worked for women's suffrage. ● The movement led to increased educational opportunities for women. ● Women gained the right to vote with passage of the 19th Amendment to the Constitution of the United States.	**Women's ~~suffrage~~ movement** ● Susan B. Anthony, Elizabeth Cady Stanton, Alice Paul, and Lucy Burns worked for women's suffrage. ● The movement led to increased educational opportunities for women. ● Women gained the right to vote with passage of the 19th Amendment to the Constitution of the United States. ● The settlement houses were established to assist women and children as they moved from rural to urban areas (Hull House, Phyllis Wheatley YWCA).
USII.5a	**Essential Knowledge Reasons for the Spanish-American War** ● Protection of American business interests in Cuba ● American support of Cuban rebels to gain independence from Spain ● Rising tensions between Spain and the United States as a result of the sinking of the USS *Maine* in Havana Harbor ● Exaggerated news reports of events (yellow journalism)	**Essential Knowledge Reasons for the Spanish-American War** ● Protection of American business interests in Cuba ● American support of Cuban rebels to gain independence from Spain ● Rising tensions between Spain and the United States as a result of the sinking of the USS *Maine* in Havana Harbor ● African American troops participated in the Spanish-American War although their contributions were ignored. An example was the credit the Rough Riders were given in taking San Juan Hill when it was the 24th Infantry and the 9th and 10th Cavalry units that helped to take the hill. ● Exaggerated news reports of events (yellow journalism)

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
USII.5c		**African Americans in WWI** • The 369th Infantry Regiment, formerly known as the 15th New York National Guard Regiment ("Harlem Hellfighters") distinguished themselves during the war • WWI was the first war in which the U.S. Navy was segregated (African American men relegated to corpsmen or messmen)
USII.6a	**Ways electrification changed American life** • Labor-saving products (e.g., washing machines, electric stoves, water pumps) • Electric lighting • Entertainment (e.g., radio) • Improved communications	**Ways electrification changed American life** • Labor-saving products (e.g., washing machines, electric stoves, water pumps) • Traffic lights • Refrigerated train cars • Electric lighting • Entertainment (e.g., radio) • Improved communications
USII.6b	**Great Migration north and west** • Jobs for African Americans in the South were scarce and low paying. • African Americans faced discrimination and violence in the South. • African Americans moved to cities in the North and Midwest in search of better employment opportunities. • African Americans also experienced discrimination and violence in the North and Midwest.	**Great Migration north and west** • Jobs for African Americans in the South were scarce and low paying. • African Americans faced discrimination and violence in the South. • World War I created opportunities for African Americans when immigration from Europe stopped and the needs of the military suddenly increased • African Americans moved to cities in the North and Midwest in search of better employment opportunities. • African Americans also experienced discrimination and violence in the North and Midwest, but enjoyed greater opportunities than in the South
USII.6c	**Essential Knowledge** **Cultural climate of the 1920s and 1930s** **Cultural climate of the 1920s and 1930s** • Art: Georgia O'Keeffe, an artist known for urban scenes and, later, paintings of the Southwest • Literature: F. Scott Fitzgerald, a novelist who wrote about the Jazz Age of the 1920s; John Steinbeck, a novelist who portrayed the strength of poor migrant workers during the 1930s • Music: Aaron Copland and George Gershwin, composers who wrote uniquely American music **Harlem Renaissance** African American artists, writers, and musicians based in Harlem revealed the freshness and variety of African American culture:	**Essential Knowledge** **Cultural climate of the 1920s and 1930s** • Art: Georgia O'Keeffe, an artist known for urban scenes and, later, paintings of the Southwest • Literature: F. Scott Fitzgerald, a novelist who wrote about the Jazz Age of the 1920s; John Steinbeck, a novelist who portrayed the strength of poor migrant workers during the 1930s; Ralph Ellison a novelist of the Harlem Renaissance, Zora Neale Hurston cultural anthropologists , Langston Hughes poet, novelist, and playwright; Countee Cullin poet of the Harlem Renaissance • Music: Aaron Copland and George Gershwin, composers who wrote uniquely American music **Harlem Renaissance** African American artists, writers, and musicians based in Harlem revealed the freshness and variety of African American culture: • Art: Jacob Lawrence, a painter who chronicled the experiences of the Great Migration through art • Literature: Langston Hughes, a poet who combined the experiences of African and American cultural roots • Music: Duke Ellington and Louis Armstrong, jazz musicians; Bessie Smith, a blues singer

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
	• Art: Jacob Lawrence, a painter who chronicled the experiences of the Great Migration through art • Literature: Langston Hughes, a poet who combined the experiences of African and American cultural roots • Music: Duke Ellington and Louis Armstrong, jazz musicians; Bessie Smith, a blues singer	
USII.6d	**Impact on Americans** • A large number of banks closed, and other businesses failed. • One-fourth of workers were without jobs. • Large numbers of people were hungry and homeless. • Farmers' incomes fell to low levels.	**Impact on Americans** • A large number of banks closed, and other businesses failed. • One-fourth of workers were without jobs. • Large numbers of people were hungry and homeless. • African Americans were disproportionately impacted by the Great Depression and they were discriminated against when New Deal agencies were created, both in hiring, pay, and access. • Farmers' incomes fell to low levels.
USII.7b	**Essential Understandings** Despite initial Axis success in both Europe and the Pacific, the Allies persevered and ultimately defeated Germany and Japan. The Holocaust is an example of prejudice, discrimination, and genocide	**Essential Understandings** Despite initial Axis success in both Europe and the Pacific, the Allies persevered and ultimately defeated Germany and Japan. The Holocaust is an example of prejudice, discrimination, and genocide that targeted Jews and other groups.
USII.7b	**The Holocaust** ○ Imprisonment and killing of Jews and others in concentration camps and death camps	**The Holocaust** ○ Imprisonment and killing of millions of Jews and others in concentration camps and death camps
USII.7c	**Essential Knowledge** • American involvement in World War II brought an end to the Great Depression. Factories and workers were needed to produce goods to win the war. • Thousands of American women (e.g., Rosie the Riveter) took jobs in defense plants during the war. • Americans at home supported the war by conserving and rationing resources (e.g., victory gardens, ration books, scrap drives).	**Essential Knowledge** • American involvement in World War II brought an end to the Great Depression. Factories and workers were needed to produce goods to win the war. • More than 125,000 African Americans fought for the United States. • The Tuskegee Airmen and other units became famous for their valor and skill • Thousands of American women (e.g., Rosie the Riveter) took jobs in defense plants during the war. • African American men and women worked in the industries that supported the Allied war effort • Americans at home supported the war by conserving and rationing resources (e.g., victory gardens, ration books, scrap drives). • The need for workers temporarily broke down some racial barriers (e.g., hiring in defense plants), although discrimination against African Americans continued.

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
	• The need for workers temporarily broke down some racial barriers (e.g., hiring in defense plants), although discrimination against African Americans continued.. • While many Japanese Americans served in the armed forces, others were treated with distrust and prejudice, and many were forced into internment camps in the United States.	• The service of African Americans in the war, especially against the racist Nazis, encouraged them to press for their rights in the United States. • While many Japanese Americans served in the armed forces, others were treated with distrust and prejudice, and more than one hundred thousand ~~many~~ were forced into internment camps in the United States. • Despite their commitment and service, African American remained segregated in the armed forces until President Harry Truman desegregated the armed forces in 1948 during the Korean Conflict.
USII.8d	**Essential Knowledge** **Factors leading to changing patterns in United States society** • Large number of women entering the labor force • Expansion of human rights • African Americans' aspirations for equal opportunities;	**Essential Knowledge** **Factors leading to changing patterns in United States society** • Large number of women entering the labor force • Increased urbanization and expansion of cities, resulting in a housing boom, which did not largely benefit African Americans. • Expansion of human rights • African Americans' aspirations for equal opportunities; they pushed to end all forms of segregation and discrimination against them.
USII.8d	**Policies and programs expanding educational and employment opportunities** • The G.I. Bill of Rights gave educational, housing, and employment benefits to veterans.	**Policies and programs expanding educational and employment opportunities** • The G.I. Bill of Rights gave educational, housing, and employment benefits to veterans. The GI bill enabled many to enter professions, such as medicine, law, and academics.
USII.9a	**Essential Knowledge** **Some effects of segregation** • Separate educational facilities and resources • Separate public facilities (e.g., restrooms, drinking fountains, restaurants) • Segregated and disadvantaged neighborhoods Social isolation and residential segregation	**Essential Knowledge** **Some effects of segregation** • Separate and unequal educational facilities and resources • Separate and unequal public facilities (e.g., restrooms, drinking fountains, restaurants)
USII.9a	• Social isolation and residential segregation	• Segregated and disadvantaged neighborhoods ~~Social isolation and residential segregation~~ • Exclusion from well-paying jobs • Undermining of wealth building by low property values in segregated neighborhoods • Unpunished violence against African Americans
USII.9a	**Civil Rights Movement** • Opposition to *Plessy v. Ferguson*: "Separate but equal"	**Civil Rights Movement** • Opposition to *Plessy v. Ferguson*: "Separate but equal" • Student walkout of 1951 at Moton High School led by Barbara Johns

AMERICAN OVERSIGHT

Standard	Original language	AAHEC Recommendation
	• *Brown v. Board of Education*: Desegregation of schools • Martin Luther King, Jr.: Passive resistance against segregated facilities; "I have a dream…" speech • Rosa Parks: Montgomery bus boycott • Organized protests, Freedom Riders, sit-ins, marches, boycotts	• *Brown v. Board of Education*: Desegregation of schools • Killing of Emmett Till in Mississippi became a national scandal because of the photographed open casket • Martin Luther King, Jr.: Passive resistance against segregated facilities; "I have a dream…" speech • Rosa Parks: Montgomery bus boycott • Organized protests, Freedom Riders, sit-ins, marches, boycotts • Bombing of churches and homes by white opponents of the Civil Rights movement
USII.9a	**Changing role of women**	**Changing role of women** • The *Me, Too* movement, founded in 2006 to raise awareness of sexual abuse and assault in society, developed into a broader movement in 2017 with use of #MeToo on social media, started by African American woman.
USII.9d	**Immigration** • Changing immigration policies • More people try to immigrate to the United States than are allowed by law	**Immigration** • Changing immigration policies • More people try to immigrate to the United States than are allowed by law although many policies still included racial limitations

Course: Virginia and United States History

Standards	Original Language	AAHEC Recommendations
VUS.1h	Use a cost-benefit analysis chart: • The rise of women's participation in labor unions led to increased activism for pay equity, maternity leave, and childcare. • Married women's labor participation rose after World War II as public opinion slowly started to change as a result of their success during the war.	Use a cost-benefit analysis chart: • The rise of women's participation in labor unions led to increased activism for pay equity, maternity leave, and childcare. This did not apply to domestic workers, many of whom were African Americans. • Married white women's labor participation rose after World War II as public opinion slowly started to change as a result of their success during the war. African American women were already working outside of the home.
VUS.1j	○ Andrew Jackson: Hero or villain? ○ Cotton gin: Good or bad for the United States?	○ Andrew Jackson: Did he promote or hinder democracy? ○ Cotton gin: Good or bad for the United States?
VUS.2a		• The Virginia House of Burgesses wrote the Virginia Slave Codes. All of the English colonies established slavery between the period of their founding or no later than the 1750s. Each of the colonial governments used Virginia's Slave Codes as a model for restricting the rights of free blacks and for the treatment of enslaved people.

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
VUS.2b	**Interactions among American Indians, Europeans, and Africans** ● The first Africans were brought against their will to Jamestown Virginia, in 1619 to work on tobacco plantations. The growth of an agricultural and mercantile economy based on large landholdings in the Southern colonies and in the Caribbean, and trade in the New England colonies, led an enslaved labor force. ● This system eventually led to the introduction of African slavery in British North America.	**Interactions among American Indians, Europeans, and Africans** ● The first Africans were brought against their will to Old Point Comfort (Fort Monroe), Virginia, in 1619 to work on plantations, were taken from the Ndongo which is modern-day Angola . The growth of an agricultural and mercantile economy based on large landholdings in the Southern colonies and in the Caribbean, and trade in the New England colonies, led wealthy English colonists to adopt an enslaved labor force despite their fear of bringing an alien people into the colony. This system eventually led to the introduction of African slavery in British North America. ● English colonization and enslavement were parts of an interconnected system of domination across the Atlantic world. By the time of English settlement in North America a vast network of chattel slavery had long shipped enslaved people from African ports to plantations and mines in South America and the Caribbean ● The first African people brought to British North America had been seized from slave-trading ships by pirates, who then brought "twenty and odd" Africans to trade for food in Virginia British North America would remain on the margins of the Atlantic slave trade, importing 6 percent of all enslaved Africans brought to the New World, and yet enslavement would grow in importance over the decades after 1619. ● Virginia's English colonists struggled to adapt Atlantic slavery to their law, culture, and religion. Over the half century after 1619 white Virginians made those adaptations so that by the 1660s racial slavery had been firstly established. Conversion to Christianity would not free people from bondage and any child born to an enslaved woman was claimed as the property of the people who held title to her.
VUS.3a	**Economic characteristics of the colonial period** ● A strong belief in private ownership of property and free enterprise characterized colonial life everywhere.	**Economic characteristics of the colonial period** ● Private ownership of property characterized colonial life everywhere, although these practices were guided by racism. The practice of ownership included the enslavement of human beings as chattel.
VUS.3b	**Social characteristics of the colonies** ● New England's colonial society was based on religious standing. The Puritans grew increasingly intolerant of dissenters who challenged their belief in the connection between religion and government. Rhode Island was founded by dissenters fleeing persecution by Puritans in Massachusetts. ● The middle colonies were home to multiple religious groups	**Social characteristics of the colonies** ● New England's colonial society was based on religious standing. The Puritans grew increasingly intolerant of dissenters who challenged their belief in the connection between religion and government. Rhode Island was founded by dissenters fleeing persecution by Puritans in Massachusetts. Both colonies established a system of enslavement that included both Africans and Native Americans. ● The middle colonies were home to multiple religious groups who generally believed in religious tolerance, including Quakers in Pennsylvania, Huguenots and Jews in New York, and Presbyterians in New Jersey. These colonies had more flexible social structures for

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
	who generally believed in religious tolerance, including Quakers in Pennsylvania, Huguenots and Jews in New York, and Presbyterians in New Jersey. These colonies had more flexible social structures and began to develop a middle class of skilled artisans, entrepreneurs (business owners), and small farmers. ● Virginia and the other Southern colonies had a social structure based on family status and the ownership.	the European immigrants and began to develop a middle class of skilled artisans, entrepreneurs (business owners), and small farmers. For Africans and Native Americans, the environment included enslavement and racial intolerance. ● Virginia and the other Southern colonies had a social structure based on family status and the ownership of land and, increasingly, enslaved people.
VUS.3b	**Political life in the colonies** ● New England colonies used town meetings (an Athenian direct democracy model) in the operation of government.	**Political life in the colonies** ● New England colonies used town meetings (an Athenian direct democracy model) in the operation of government. ● The first court case that began the process of enslaving Africans was John Punch in 1640.
VUS.3c	**Essential Understandings** American colonial reliance on a cheap, eventually conflicted with the founding principles established in the Declaration of Independence. **Essential Knowledge** **The development of indentured servitude and slavery** ● Although all American colonies adopted African slavery as their primary non-free labor system, the growth of a plantation-based agricultural economy in the hot, humid coastal lowlands of the Middle and Southern colonies required a cheap labor source on a large scale. ● Some of the labor needs, especially in Virginia were met by indentured servants, who were often poor persons from England, Scotland, or Ireland who agreed to work on plantations for a period of time in return for their passage from Europe or relief from debts. ● Although some Africans worked as indentured servants, earned their freedom, and lived as free citizens during the colonial era, over time larger and larger numbers of enslaved Africans,, were forcibly brought	**Essential Understandings** American colonies relied colonial reliance on a cheap, enslaved labor force transported from Africa and the Caribbean. eventually conflicted with the founding principles established in the Declaration of Independence. **Essential Knowledge** **The development of indentured servitude and slavery** ● Although all American colonies adopted African slavery as their primary non-free labor system, the growth of a plantation-based agricultural economy in the hot, humid coastal lowlands of the Middle and Southern colonies depdended on required a cheap labor source on a large scale. ● The growth of a plantation-based agricultural economy in the hot humid coastal lowlands developed into a system that depended heavily on a large enslaved labor force to maximize profits for the wealthiest landowners who represented a small percentage of the population. Slave traders sought out people from parts of Africa, now known as Senegal and Gambia, who were known for their knowledge about rice cultivation to be sold as slaves. ● Some of the labor needs, especially in Virginia in early decades of settlement, were met by indentured servants, who were often poor persons from England, Scotland, or Ireland who agreed to work on plantations for a period of time in return for their passage from Europe or relief from debts. ● Although some Africans worked as indentured servants, earned their freedom, and lived as free citizens during the colonial era, over time larger and larger numbers of enslaved Africans, for nearly two thousands years, were forcibly brought to the American colonies via the Middle Passage.

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
	to the American colonies via the Middle Passage. ● The development of a slavery-based agricultural economy in the Southern colonies eventually led to conflict between the North and South in the American Civil War.	● British North America developed the only enslaved society in the New World that biologically reproduced itself because of moderate climate and crops that did not repay working enslaved people to the point of death, as they were in sugar colonies and mines elsewhere in the Western Hemisphere. As a result, the enslaved population of British North America would grow into the largest in the New World by the early nineteenth century.The development of a slavery-based agricultural economy in the Southern colonies eventually led to conflict between the North and South in the American Civil War.
VUS.4a	**The French and Indian War** ● Was the first step on the road to the American Revolution	**The French and Indian War** ● Turned out to be Was the first step on the road to the American Revolution
VUS.4c		**Differences among the colonists** Enslaved People ○ Many of the people held in slavery sought to use the war to pursue their own freedom ○ Ten thousand African Americans fought with the British against the white colonists who held them in slavery
VUS.4e		**The Declaration of Independence** ● The Declaration of Independence blamed the English for the growing system of African slavery that dominated the economies of the Southern colonies.
VUS.5a	**The Articles of Confederation** American political leaders, fearful of a powerful central government like Britain's, created a weak national system of government. Significant powers given to the states ultimately made the national government ineffective. The Articles of Confederation ● provided for a weak national government	**The Articles of Confederation** American political leaders, fearful of a powerful central government like Britain's, created a weak national system of government. Significant powers given to the states ultimately made the national government ineffective. The Articles of Confederation ● provided for a weak national government
VUS.5b	**Key issues and their resolutions** ● Appeased the Southern states by counting slaves as three-fifths of the population when determining representation in the United States House of Representatives ● Avoided a too-powerful central government by establishing three co-equal branches (legislative, executive, judicial) with numerous checks and balances among them providing for separation of powers	**Key issues and their resolutions** ● Appeased the Southern states by counting slaves as three-fifths of the population when determining representation in the United States House of Representatives while avoiding mention of slavery by name. ● Established Avoided a too-powerful central government by establishing three co-equal branches (legislative, executive, judicial) with numerous checks and balances among them providing for separation of powers
VUS.6a		**Early stages of territorial expansion** ● White settlers had fought against indigenous peoples from the first months of their arrival across the generations that followed

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
		• American governments wrote treaties with many indigenous peoples that were frequently broken • The rapid expansion of the white population disturbed the economies and cultures of the indigenous peoples in every part of North America. Settlers frequently pushed illegally on to lands controlled by the American Indians.
VUS.6a\ (cont'd)	**Impact on the American Indians** • The belief that it was America's Manifest Destiny to stretch from the Atlantic to the Pacific provided political support for territorial expansion. • During this period of westward migration, American Indians were repeatedly defeated in violent conflicts with settlers and soldiers and forcibly removed from their ancestral homelands. They were either forced to march far away from their homes (the Trail of Tears, when several tribes were relocated from Atlantic Coastal states to present-day Oklahoma) or confined to reservations.	**Impact on the American Indians** • The belief that it was America's Manifest Destiny to stretch from the Atlantic to the Pacific provided political support for territorial expansion. • American Indians adapted to waves of white settlers and, in the South, a million enslaved people brought to lands the indigenous peoples had occupied for hundreds or even thousands of years. They became Christian, grew crops for market, reordered gender relations, developed written languages, and adopted the enslavement of people of African descent, but these changes did not appease white settlers and politicians who agitated for the complete removal of Native peoples.. • During this period of westward migration, American Indians were repeatedly defeated in violent conflicts with settlers and soldiers and • In the 1830s, the last Native people were forcibly removed from their ancestral homelands. They were either forced to march far away from their homes (the Trail of Tears, when Cherokee, Choctaw, Chickasaw, Creek, and Seminole peoples several tribes were relocated from Atlantic Coastal states the South to present-day Oklahoma) or confined to reservations. • The forced migrations led to the deaths of up to a third of the indigenous people forced to move with inadequate supplies and protection.
VUS.6b		The acquistion of Texas created a vast new area for the expansion of slavery. White southerners flooded into Texas and imported hundreds of thousands of enslaved people from the older states of the South.
VUS.6c		**Economic impact of the War of 1812** • the rapid expansion of slavery into lands taken from American Indians
VUS.6d	**Essential Understandings** Although the Age of Jackson led to an increase in democracy political tensions and nativist tendencies impacted the American political climate.	**Essential Understandings** Although the Age of Jackson led to an increase in democracy for white men, his party led the effort to drive the American Indians of the South from their homes and opposed the abolitionists. The Whigs arose in opposition to Andrew Jackson and supported temperance and the use of the government for economic development. The Know-Nothings were the first of a series of political efforts to oppose immigration and immigrants. Most abolitionists considered the political system too corrupt and in the service of the slave South to be of use, his party led the effort to drive the American Indians of the South from their homes and opposed the abolitionists. The Whigs supported temperance and the use of the government for economic development. The Know-Nothings were the

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
		first of a series of political efforts to oppose immigration and immigrants. Most abolitionists considered the political system too corrupt and in the service of the slave South to be of use. political tensions and nativist tendencies impacted the American political climate.
VUS.6d	**The "Age of the Common Man"** • Universal manhood suffrage increased the electorate	**The "Age of the Common Man"** • Universal white manhood suffrage increased the electorate
VUS.6e	**Essential Understandings** As the nation struggled to resolve sectional issues, compromises were developed to defuse a series of political crises.	**Essential Understandings** As the nation struggled to resolve sectional issues over the future of slavery, compromises were developed to defuse a series of political crises.
VUS.6e	**Sectional tensions caused by competing economic interests** • The industrial North favored high protective tariffs to protect Northern manufactured goods from foreign competition. • The agricultural South opposed high tariffs that made the price of imports more expensive.	**Sectional tensions caused by competing economic interests** • The industrial North favored high protective tariffs to protect Northern manufactured goods from foreign competition. • The plantation-based agricultural South opposed high tariffs that made the price of imports more expensive. Slavery expanded west with great speed, dominating one new state after another from the east coast to Texas and Arkansas.
VUS.6e	**Sectional tensions caused by debates over the nature of the Union** • South Carolinians, in the South Carolina Exposition and Protest, argued that sovereign states could nullify the Tariff of 1832 and other acts of Congress. A union that allowed state governments to invalidate acts of the national legislature could be dissolved by states seceding from the Union in defense of slavery (Nullification Crisis). • President Jackson threatened to send federal troops to collect the tariff revenues and uphold the power of federal law.	**Sectional tensions caused by debates over the nature of the Union** • South Carolinians, in the South Carolina Exposition and Protest, argued that sovereign states could nullify the Tariff of 1832 and other acts of Congress. A union that allowed state governments to invalidate acts of the national legislature could be dissolved by states seceding from the Union in defense of slavery (Nullification Crisis). South Carolina leaders sought to check the power of the federal government, which they feared might interfere with slavery's expansion • President Jackson threatened to send federal troops to collect the tariff revenues and uphold the power of federal law.
VUS.6e	**Sectional tensions caused by the institution of slavery** • Slave revolts in Virginia, led by Nat Turner and Gabriel Prosserfed white Southerners' fears about slave rebellions and led to harsh laws in the South against fugitive slaves. Southerners who favored abolition were intimidated into silence. • Northerners, led by William Lloyd Garrison, publisher of	**Sectional tensions caused by the institution of slavery** • Slave revolts in Virginia, led by Gabriel (Prosser) in 1800 and Nat Turner and Gabriel Prosser in 1831, fed white Southerners' fears about slave rebellions and led to severe restrictions on privileges for free blacks and harsh laws in the South against fugitive slaves. Southerners who favored abolition were intimidated into silence. • Abolitionists Northerners, led by William Lloyd Garrison, publisher of *The Liberator*, increasingly viewed the institution of slavery as a violation of Christian principles and argued for its abolition. Southerners grew alarmed by the growing force of the

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
	The Liberator, increasingly viewed the institution of slavery as a violation of Christian principles and argued for its abolition. Southerners grew alarmed by the growing force of the Northern response to the abolitionists.	Northern response to the abolitionists. Although abolitionists accounted for only 2 percent of the northern population, they won a great deal of attention and animosity, in the North as well as the South.
VUS.6e	**The women's suffrage movement** ● Seneca Falls Declaration	**The women's suffrage movement** ● Seneca Falls Declaration of 1848
VUS.6f	**Essential Understandings** America's desire to gain land from the Atlantic to the Pacific ultimately led to a resurgence of regional interests.	**Essential Understandings** America's desire to gain land from the Atlantic to the Pacific ultimately led to a resurgence of regional interests. America wanted to take land from American Indians and Mexico to expand from the Atlantic to the Pacific, leading to conflict between the North and the South as both slavery and free settlers moved west.
VUS.6g	**Essential Understandings** The events of the 1850s, combined with the lack of strong presidential leadership, led to the secession of Southern states. Sectional tensions originating with the formation of the nation, ultimately resulted in war between the Northern and Southern states. **Essential Knowledge** **Causes of the Civil War** ● Sectional disagreements and debates over tariffs, extension of slavery into the territories, nature of the Union (states' rights) ● While there were several differences between the North and the South, ● Northern abolitionists vs. Southern defenders of slavery ● Publication of *Uncle Tom's Cabin* by Harriet Beecher Stowe ● United States Supreme Court decision in the Dred Scott case ● A series of failed compromises over the expansion of slavery in the territories and the Fugitive Slave Act	**Essential Understandings** Cultural, economic, and constitutional differences between the North and the South all of them based in slavery eventually resulted in the Civil War. The events of the 1850s, combined with the lack of strong presidential leadership, led to the secession of Southern states. Sectional tensions over slavery, originating with the formation of the nation, ultimately resulted in war between the Northern and Southern states. **Essential Knowledge** **Causes of the Civil War** ● Sectional disagreements and debates over tariffs, extension of slavery into the territories, and the relative power of the states and the federal government nature of the Union (states' rights) ● While there were several differences between the North and the South, The issues related to slavery increasingly divided the nation and led to the Civil War. Much of America's economy revolved around the institution of slavery, which accounted for a large share of America's exports. ● Northern abolitionists vs. Southern defenders of slavery ● A series of failed compromises over the expansion of slavery in the territories and the Fugitive Slave Act ● Publication of *Uncle Tom's Cabin* by Harriet Beecher Stowe in response to the Fugitive Slave Act ● United States Supreme Court decision in the Dred Scott case ● The creation of the Republican Party in the mid-1850s, explicitly devoted to stopping the spread of slavery in the territories. ● A series of failed compromises over the expansion of slavery in the territories and the Fugitive Slave Act
VUS.7a		**Major events**

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
		• Juneteenth: was celebrated on June 19, 1865, when enslaved people in Texas finally became free when the United States Army arrived and enforced the Emancipation Proclamation •

VUS.7a	**Key leaders and their roles**
	• Robert E. Lee
	  ○ Confederate general of the Army of Northern Virginia
	  ○ Opposed secession, but did not believe the Union should be held together by force
		Key leaders and their roles
		• Robert E. Lee
		  ○ Confederate general of the Army of Northern Virginia
		  ○ After his death, Lee became the leading symbol for the "Lost Cause" movement, in which white Southerners celebrated the leaders of the Confederacy as fighters for a just cause rather than the creation of a new nation based on slavery
		  ○ Opposed secession, but did not believe the Union should be held together by force

VUS.7b	**Abraham Lincoln's leadership** • Initial goal: Preserve the Union,	**Abraham Lincoln's leadership** • Initial goal: Preserve the Union, even if that meant leaving slavery in place
VUS.7b	**Emancipation Proclamation** • Developed after enslaved African Americans given asylum at Fort Monroe were declared "contraband of war" • Freed those slaves located in the "rebelling" states (Southern states that had seceded) • Made the abolition of slavery a Northern war aim • Discouraged any interference of foreign governments • Allowed for the enlistment of African American soldiers in the Union Army	**Emancipation Proclamation** • Developed after enslaved African Americans given asylum at Fort Monroe were declared "contraband of war" • Lincoln issued the Emancipation Proclamation as a military necessity • Freed those enslaved people slaves located in the "rebelling" states (Southern states that had seceded) • Made the abolition of slavery a Northern war aim • Discouraged any interference of foreign governments • Allowed for the enlistment of African American soldiers and sailors in the Union ArmyUnited States military
VUS.7c	**Essential Knowledge** **African Americans** • African Americans served in the Union Army and Navy following the implementation of the Emancipation Proclamation. • African Americans served as a part of contraband armies and aboard Union naval ships. • Enslaved African Americans seized the opportunity presented by the approach of Union troops to achieve freedom. • Many fought with distinction and were eventually paid salaries that were equal to those of white soldiers. **Common soldiers** • Warfare.often involved hand-to-hand combat.	**Essential Knowledge** **African Americans** • Nearly two hundred thousand African Americans served in the United States Union Army and Navy following the implementation of the Emancipation Proclamation. African Americans protested against being paid less than white soldiers and sailors. • African Americans served as a part of contraband armies and aboard Union naval ships. • Enslaved African Americans seized the opportunity presented by the approach of Union troops to achieve freedom. • Many fought with distinction and were eventually paid salaries that were equal to those of white soldiers. • African American soldiers and sailors were discriminated against and served in segregated units under the command of white officers • Robert Smalls, an African American sailor and later a Union naval captain, was highly honored for his feats of bravery and heroism. He was elected to the United States House of Representatives after the war. **Common soldiers**

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
	• After the war, especially in the South, soldiers returned home to find destroyed homes and poverty. Soldiers on both sides lived with permanent disabilities. **Women** • Managed homes and families with scarce resources • Often faced poverty and hunger as evidenced by Bread Riots in Richmond, Virginia • Assumed new roles in agriculture, nursing, and war industries	• Warfare was costly, but disease killed more men than did bullets.often involved hand-to-hand combat. • The white South lost nearly a quarter of its military-aged white men to death and many more through illness and disability. • After the war, especially in the South, soldiers returned home to find destroyed homes and poverty. Soldiers on both sides lived with permanent disabilities. • After African American soldiers and sailors returned home from the war were targeted for violence. **Women** • Managed homes and families with scarce resources • Often faced poverty and hunger as evidenced by Bread Riots in Richmond, Virginia • Assumed new roles in agriculture, nursing, and war industries • Clara Barton, a Civil War nurse, created the American Red Cross. Harriet Tubman, a abolitionist and political activist, and conductor on the Underground Railroad. Elizabeth Van Lew, a Virginia abolitionist and spy for the Union Army. Mary Bowser was an African American Union spy.
VUS.7e		**Essential Knowledge** **Political effects** • Reconstruction attempted to create legal equality for people formerly held in slavery. • The Amendments to the Constitution during Reconstruction laid the basis for the eventual equality for all Americans. • Rights that African Americans had gained were lost through "Jim Crow" laws that segregated black and white Southerners from one another. **Economic impact** • The North and Midwest emerged with strong and growing industrial economies, laying the foundation for the sweeping industrialization of the nation (other than the South) in the next half-century and the emergence of the United States as a global economic power by the beginning of the twentieth century. The Southern economy recovered in the 1880s and grew rapidly producing lumber, coal, and cotton.
VUS.8a	**Essential Understandings** This growth, while positive for some, resulted in more displacement for American Indians.	**Essential Understandings** This growth, while positive for some, resulted in more displacement for American Indians. destroyed ways of life that American Indians had practiced for centuries and dispossessed them from their homes.
VUS.8a	**Essential Knowledge** **Westward movement** • The years immediately before and after the Civil War were the era of the American cowboy, marked by long cattle drives for hundreds of miles over unfenced open land in the West, which was the only way to get cattle to market	**Essential Knowledge** **Westward movement** • The years immediately before and after the Civil War were the era of the American cowboy, marked by long cattle drives for hundreds of miles over unfenced open land in the West, which was the only way to get cattle to market before the spread of railroads soon thereafter..

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
VUS.8b	**Inventions/innovations** • Corporation (limited liability) • Bessemer steel process • Light bulb (Thomas Edison) and electricity as a source of power and light • Telephone (Alexander Graham Bell) • Airplane (Wright brothers) • Assembly-line manufacturing (Henry Ford) **Industrial leaders** • Andrew Carnegie (steel) • J. P. Morgan (finance) • John D. Rockefeller (oil) • Cornelius Vanderbilt (railroads) **Emergence of leisure activities** • Vaudeville shows	**Inventions/innovations** • Corporation (limited liability) • Bessemer steel process • Light bulb (Thomas Edison) and electricity as a source of power and light • Filament for light bulb (Lewis Lattimer) • Telephone (Alexander Graham Bell) • Airplane (Wright brothers) • Assembly-line manufacturing (Henry Ford) • Gas Mask & Traffic Light (Garrett Morgan) **Economic Industrial leaders** • Andrew Carnegie (steel) • J. P. Morgan (finance) • John D. Rockefeller (oil) • Cornelius Vanderbilt (railroads) • "Madame CJ Walker" - Sarah Breedlove (hair products & cosmetics) **Emergence of leisure activities** • Vaudeville & minstrel shows
VUS.8d	**Essential Knowledge** **Discrimination against and segregation of African Americans** • Laws limited freedoms for African Americans. • After Reconstruction, many Southern state governments passed "Jim Crow" laws forcing separation of the races in public places. • Intimidation and crimes were directed against African Americans (lynchings). • African Americans looked to the courts to safeguard their rights. • In *Plessy v. Ferguson*, the Supreme Court ruled that "separate but equal" did not violate the 14th Amendment, upholding the "Jim Crow" laws of the era. • During the early twentieth century, African Americans began the Great Migration to Northern cities in search of jobs and to escape poverty and discrimination in the South. • Many African Americans eventually found that the North was not much unlike the South when it came to racial attitudes and its use of subtle ways to	**Essential Knowledge** **Discrimination against and segregation of African Americans** • Laws limited freedoms for African Americans. • After Reconstruction, many Southern state governments passed "Jim Crow" laws forcing separation of the races in public places. • Intimidation and crimes were directed against African Americans (lynchings). • African Americans looked to the courts to safeguard their rights. • In *Plessy v. Ferguson*, the Supreme Court ruled that "separate but equal" did not violate the 14th Amendment, upholding the "Jim Crow" laws of the era. • During the early twentieth century, African Americans began the Great Migration to Northern cities in search of jobs and to escape poverty and discrimination in the South. African Americans also experienced discrimination and violence in the North and Midwest, but had greater opportunities than were available to them in the South. • Mob violence, such as in Danville in 1883 • Many African Americans eventually found that the North was not much unlike the South when it came to racial attitudes and its use of subtle ways to enforce the separation of the races. **Lynching** • Lynching was the illegal killing of people by gangs of violent vigilantes • Lynching occurred in all parts of the country and sometimes against accused white people, but increasingly targeted African Americans in the South

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
	enforce the separation of the races.	• Lynching was meant to intimidate African Americans from asserting themselves in any way, including politically • Lynching grew most prevalent at the same time as segregation and disfranchisement laws, in the 1890s and early 1900s, when thousands of African Americans were killed
VUS.8e	**Growth of cities** • As the nation's industrial growth continued, cities such as Chicago, Detroit, Cleveland, Pittsburgh, and New York grew rapidly as manufacturing and transportation centers. Factories in the large cities provided jobs, but workers' families often lived in harsh conditions, crowded into tenements and slums.	**Growth of cities** • As the nation's industrial growth continued, cities such as Chicago, Detroit, Cleveland, Pittsburgh, and New York grew rapidly as manufacturing and transportation centers. Factories in the large cities provided jobs, but workers' families often lived in harsh conditions, crowded into tenements and slums. Cities such as Atlanta, Birimingham, Dallas, and Houston also grew rapidly in the South, though without many immigrants. **Industrialization: Formation of labor unions** • Brotherhood of the Sleeping Car Porters & Maids led by A. Philip Randolph & Chancellor Owens
VUS.8f		**Changes in voting laws in the South disenfranchised African American male voters** • Every southern state revised their constitutions and voting laws in this period • Each change was put forward as a reform and aligned with those of the rest of the country, especially secret ballots, literacy tests, and poll taxes • The changes, however, greatly reduced the ability of African Americans in the South to vote, along with poorer white people • Strengthened segregation laws were also touted as progressive changes to bring stability to the southern social order
VUS.9a		**Racial conflict in the Spanish-American War and the Philippines** • African American soldiers and sailors eagerly enlisted to fight but were kept in segregated units • The Wilmington Insurrection of 1898 in North Carolina saw white political leaders illegally and violently remove black officeholders • The long fight against the Filipinos after the American arrival was often interpreted in the United States as a struggle between white and "colored" peoples
VUS.9b		**Great Migration** • More than 350,000 African Americans fought for the Allied forces, often restricted to support roles but sometimes on the front lines • During the war immigration from Europe stopped and factories in the North needed laborers; millions of black people from the South moved to the cities of the Northeast and Midwest • The Great Migration continued through the 1920s. creating opportunities for African Americans in housing, education, and politics
VUS.10a		**Harlem Renaissance**

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
		• African Americans, following the Great Migration of World War I and the 1920s, created vibrant cultural communities in the North • One of the most prominent areas of black life was Harlem in New York City, filled with vibrant music and entertainment • A number of important poets and writers emerged in that community, including Langston Hughes, Countee Cullen, Zora Neale Hurston, Anne Spencer • The jazz produced in the 1920s and 1930s in Harlem and other centers of black population became popular worldwide
VUS.10d		**New Deal (Franklin Roosevelt)** • Franklin D. Roosevelt was the first president to have an entirely African American advisors who served in a "kitchen cabinet". • The Social Security Act offered safeguards for workers, except for domestic workers. • African Americans were discriminated against in these government programs.
VUS.11d		**Essential Knowledge** **Minority participation** • 125,000 African Americans fought overseas in World War II
VUS.12c	**Essential Knowledge** **American military forces during the Cold War** • During the Cold War era, millions of Americans served in the military, defending freedom in wars and conflicts that were not always popular. Many were killed or wounded. As a result of their service, the United States and American ideals of democracy and freedom ultimately prevailed in the Cold War struggle with Soviet communism.	**Essential Knowledge** **American military forces during the Cold War** • In 1948 President Harry S. Truman ordered the desegregation of the armed forces of the United States, which took place during the Korean War. • During the Cold War era, millions of Americans served in the military, defending freedom in wars and conflicts that were not always popular. Many were killed or wounded. As a result of their service, the United States and American ideals of democracy and freedom ultimately prevailed in the Cold War struggle with Soviet communism.
VUS.12d		**The Vietnam War** • African Americans were drafted and sent to the front lines in disproportionate numbers.

VUS.13c		**Essential Knowledge**
		National Association for the Advancement of Colored People (NAACP)
		• The Lynching of Emmett Till (1955) - Emmett Till's lynching in Mississippi and the acquittal of his killers gained international media attention and inspired demands for civil rights
		• The Southern Christian Leadership Conference (SCLC)
		  ○ A civil rights organization led by Martin Luther King, Jr.
		  ○ The SCLC supported the use of nonviolent direct action such as boycotts, sit-ins, marches, and other demonstrations.

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
		○ African American women represented the majority of the membership despite being denied positions of leadership. African American women were often the major drivers of the civil rights initiatives of the SCLC. ● The Student Non-Violent Coordinating Committee (SNCC) ○ Inspired by the Greensboro sit-in by four black college students in North Carolina ○ Initially formed as a student chapter of SCLC, but became an independent civil rights organization for young people **Civil Rights Act of 1964** ● The Birmingham Campaign led by Martin Luther King, Jr. and SCLC convinced President Kennedy to publicly call for new civil rights legislation. Media coverage of Bull Connor's violent tactics against student demonstrators led to greater national support of the Civil Rights Movement. **Voting Rights Act of 1965** ● The March from Selma to Montgomery was a demonstration against voter discrimination and police brutality. John Lewis led the first day of the march when peaceful demonstrators were attacked by Alabama State Police in what became known as "Bloody Sunday."
VUS.13e		**President William J. Clinton, 1993–2001** ● Don't ask, don't tell military policy
VUS.13e	**President Barack H. Obama, 2009–2016** ● Patient Protection and Affordable Care Act of 2010	**President Barack H. Obama, 2009–2016** ● Patient Protection and Affordable Care Act of 2010 Called for Congress to pass legislation to reform health care in the United States Patient Protection and Affordable Care Act of 2010, popularly known as "Obamacare" that has provided medical care for millions of Americans
VUS.14c		**evolving and changing role of government, including its role in the American economy** **President William J. Clinton, 1993 -2001** ● Oversaw a period of great economic prosperity ● Practiced fiscal restraint and saw budget deficits decrease

AMERICAN OVERSIGHT

African American History Commission (AAHEC): Committee Recommendation to the History Standards Review Process

***Items in orange signify new addition to the process**

1. Timeline	• Timeline of the review process is presented to the Virginia State Board of Education (VBOE)
2. Public Comment *Outreach	• In addition to the regular channels of communication, provide outreach to specific groups to collect regional feedback from divisions, family and students, educators, community groups, and regional educator representatives. • Create a survey to collect feedback.
3. Educator Committees *Expand Group	• Educators are convened to review and revise the Standards based on content knowledge, expertise, experience, and geographic location. • Groups should include but not limited to: at least one regional representative for each grade/course and recommendations from division superintendent. • Expand group from 30 to make sure range of expertise is represented.
4. External Committees *Expand Group	• Expand members of the External Group to include members from various backgrounds, experiences, expertise, and geographic location. • Expand group from 40 to make sure range of expertise is represented. • Group should include, but is not limited to: Institutions of higher education (IHE) for pedagogy, IHE and historians for accuracy, museums for cultural needs.
5. Steering Committee	• Create a Steering Committee made up of members from the Educator and External Committees to review all of the feedback. • Steering Committee includes all regions and various backgrounds and expertise.
6. VDOE Review	• Virginia Department of Education (VDOE) leadership reviews and provides feedback on the proposed revisions.
7. Virginia State Board of Education Review	• The proposed revised Standards are taken to the VBOE for first review.

AMERICAN OVERSIGHT

8. Public Comments and Hearings *Outreach	• In addition to the regular channels of communication, provide outreach to specific groups to collect regional feedback from divisions, family and students, educators, community groups, and regional educator representatives.
9. Standards Review	• Standards are reviewed and revised again based on public comments and feedback from hearings.
10. Final Review	• The proposed revised Standards are taken to the VBOE for final review. • The Board approves Standards or postpones for additional review and/or revisions.
11. Curriculum Framework	• Repeat process for the *Curriculum Framework*. • Gear *Curriculum Framework* towards deeper thinking to support performance tasks and assessments.
12. Resources *Expand	• After the *Curriculum Framework* is completed, bring together the steering committee to brainstorm resources including an enhanced scope and sequence document. • As the resources are revised, the African American History elective course will be reviewed & updated.
13. Textbooks	• VDOE Leadership and VBOE determine next steps for textbooks. • Since history continually changes and evolves, explore if there is an alternative way to deliver current content to support more robust instruction.
14. Ongoing	• Include members from the steering committee, educators, and division equity coordinators to support on going resources and professional development including: cultural proficiency, resources and elective course.

AMERICAN OVERSIGHT

Appendix F: List of Resources, Scholars, and Partner Organizations to Support Implementation

Resources to Support Implementation

- Robin DiAngelo, *White Fragility: Why It's So Hard for White People to Talk About Racism* (understanding the impact of white socialization in our culture)
- Equity Literacy Institute (provides free self-paced mini courses for a primer on equity and equity literacy)
- Geneva Gay, *Culturally Responsive Teaching: Theory, Research, and Practice*
- Zaretta Hammond, *Culturally Responsive Teaching & the Brain*
- Ibram Kendi, *How to be an Anti-Racist* (provides strategies to deconstruct racism)
- Gloria Ladson-Billings, *The Dreamkeepers: Successful Teachers of African American Children*
- Bettina Love, *We Want to Do More Than Survive: Abolitionist Teaching and the Pursuit of Educational Freedom*
- Django Paris, *Culturally Sustaining Pedagogies: Teaching and Learning for Justice in a Changing World*
- Glenn Singleton, *Courageous Conversation About Race: A Field Guide for Achieving Equity in Schools* (race identity)
- University of Virginia School of Education, A Center for Race and Public Education in the South
- Virginia Commonwealth University, School of Education

Scholars and Partners for Collaboration

- 1619 Project
- ADL
- African American Museum Association
- Derrick Alridge (Educational Historian)
- Association for the Study of African American Life and History (ASALH)
- Ed Ayers (Historian)
- Black History Museum
- Carter Center for K-12 Black History Education, University of Missouri
- Carter G Woodson Institute for African-American and African Studies- UVA
- Civil Rights Stakeholder groups including but not limited to the NAACP and LULAC.
- Community Based Organizations
- Courageous Conversations - Pacific Education Group
- Ed Stakeholders (VASS, VSBA, VPTA)
- Equal Justice Initiative
- Equity Literacy Institute (provides free self-paced mini courses for a primer on equity and equity literacy)
- Facing History and Ourselves
- Geneva Gay (Education Researcher)
- George Mason University Center for History and New Media

AMERICAN OVERSIGHT

- Glenn Singleton (race identity)
- Zaretta Hammond (Education Researcher)
- Hampton University and the Hampton University Museum
- Claudrena Harold (Historian)
- Ibram Kendi (Historian)
- Gloria Ladson-Billings (Education Researcher)
- Library of Virginia
- Margot Lee Shetterly
- NABJ Brand Ambassador
- New American History, University of Richmond
- Cassandra Newby-Alexander (Historian)
- Norfolk State University
- Django Paris (Educational Researcher)
- Professional Standards of Educational Leaders (PSEL)
- Radford University IMPACT Lab
- Robin DiAngelo (understanding the impact of white socialization in our culture)
- Southern Poverty Law Center
- Teachers for Social Justice (www.teachersforjustice.org)
- Teachers in Movement Oral History Project, University of Virginia
- Teachers in the Movement Project at UVA (https://teachersinthemovement.com)
- Teaching for Change (www.teachingforchange.org)
- Vanessa Thaxton-Ward (Director, Hampton University Museum)
- UVA Center for Race and Public Education in the South
- Virginia Association of Museums
- Virginia Center for Inclusive Communities
- Virginia Commonwealth University School of Education
- Virginia Humanities
- Virginia Organizing
- Virginia State University College of Education and the Wallace Foundation University Principal Preparation Initiative
- Antoinette Waters (Teacher)
- Robert Watson (Historian)
- Zinn Education Project (http://zinnedproject.org)

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/10/2022 12:15:21 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Fwd: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (joan.johnson@doe.virginia.gov)

Jillian, DId anyone take notes from this meeting?

---------- Forwarded message ---------
From: **Johnson, Joan** <joan.johnson@doe.virginia.gov>
Date: Wed, Mar 9, 2022 at 10:42 AM
Subject: Re: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (joan.johnson@doe.virginia.gov)
To: Jon Russell <jon.russell@doe.virginia.gov>

GM Jon

I was not available to attend the VASS meeting yesterday due to a conference presentation. I am wondering if meeting minutes were taken or recorded? I am attempting to respond to many of the same questions from division staff given our requirements for licensure.

Dr. Joan B. Johnson / Assistant Superintendent
Department of Teacher Education and Licensure
Virginia Department of Education
804.371.2522
joan.johnson@doe.virginia.gov

On Tue, Mar 8, 2022 at 8:55 AM Jon Russell <jon.russell@doe.virginia.gov> wrote:

You have been invited to the following event.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar joan.johnson@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Going (joan.johnson@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account joan.johnson@doe.virginia.gov because you are subscribed for invitations on calendar joan.johnson@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 3:20:43 PM
To: "Charles Pyle" <charles.pyle@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: Letter to Fight for Schools

Attachments: Lettertofightforschools.docx (1).pdf

Per our conversation; if you need language to respond, please let me know.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Tue, Mar 22, 2022 at 3:15 PM
Subject: Fwd: Letter to Fight for Schools
To: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 21, 2022 at 10:28 AM
Subject: Letter to Fight for Schools
To: <ian@fightforschools.com>

Hi Ian, Last week Superintendent Balow sent you a response letter. I am confirming you received it. I have attached a copy for your records. Thank you for all you do for our kids.

--
Sincerely,

Jon Russell
Senior Advisor
OFFICE of SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.659.3307 | jon.russell@doe.virginia.gov

"Education is the key to unlock the golden door of freedom."
- George Washington Carver

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

March 15, 2022

Fight for Schools
Ian Prior, Executive Director
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and for the information regarding Loudoun County Public Schools Superintendent Dr. Scott Ziegler.

Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/22/2022 3:15:33 PM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Letter to Fight for Schools

Attachments: Lettertofightforschools.docx (1).pdf

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 21, 2022 at 10:28 AM
Subject: Letter to Fight for Schools
To: <ian@fightforschools.com>

Hi Ian, Last week Superintendent Balow sent you a response letter. I am confirming you received it. I have attached a copy for your records. Thank you for all you do for our kids.

--

Sincerely,

Jon Russell
Senior Advisor
OFFICE of SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.659.3307 | jon.russell@doe.virginia.gov

"Education is the key to unlock the golden door of freedom."
- George Washington Carver

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

March 15, 2022

Fight for Schools
Ian Prior, Executive Director
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and for the information regarding Loudoun County Public Schools Superintendent Dr. Scott Ziegler.

Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/14/2022 11:12:27 AM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: Loudoun Letter

Attachments: Lettertofightforschools.docx

Hi ELizabeth, This is a draft. We want to keep it short and simple yet supportive. Please review.

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 7, 2022 at 1:03 PM
Subject: Loudoun Letter
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Dicky, please give this letter a once over before I button it up for Jillian.

Thanks
Jon

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/07/22

Dear

Re: Fight for Schools Request

Dear Fight for Schools:

I want to thank you for your letter and supporting documentation in regards to Superintendent Ziegler. Please know I am monitoring these issues very closely. Until a thorough investigation has been completed by the Office of the Attorney General, I will not be making any recommendation for the Loudoun County School District.

Thank you for being an advocate for our children and parents in Loudoun and throughout the Commonwealth. Please do not hesitate to contact me again in the future if my office can be any assistance.

Sincerely,



Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 3:28:40 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>, "Charles Pyle" <charles.pyle@doe.virginia.gov>
Subject: Fwd: Question

Attachments: Lettertofightforschools.docx (1).pdf

Jillian:
Just providing the below as a courtesy, as there appears to be a forthcoming Washington Post news article about the letter written by the Fight for Schools organization to VDOE, the response (attached hereto), and the Loudoun investigation by the OAG.

Best regards,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

---------- Forwarded message ---------
From: **Pyle, Charles** <charles.pyle@doe.virginia.gov>
Date: Tue, Mar 22, 2022 at 11:09 AM
Subject: Fwd: Question
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Richard Shanor <dicky.shanor@doe.virginia.gov>

This just came in from Hannah with the Post. Can we get together and discuss briefly?

Charles B. Pyle
Director of Communications & Constituent Services
Virginia Department of Education
Charles.Pyle@doe.virginia.gov
(804) 371-2420
(804) 640-2117 (cell)
(804) 640-2117 mobile

---------- Forwarded message ---------
From: **Natanson, Hannah** <Hannah.Natanson@washpost.com>
Date: Tue, Mar 22, 2022 at 10:58 AM
Subject: RE: Question
To: Pyle, Charles <charles.pyle@doe.virginia.gov>, ken.blackstone@doe.virginia.gov <ken.blackstone@doe.virginia.gov>

Hi Charles and Ken,

Hope you're well. I am checking in on these questions: Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?

Also, Fight for Schools has released a March 15 letter they say came from Superintendent Balow - in response to the parent group's initial letter of February 9, linked here -- which states "Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail. … Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights."

- Is this letter genuine? Can you confirm it was sent by Jillian Balow to Fight for Schools on March 15?
- When the letter refers to "the OAG's insights," is that a reference to the ongoing investigation being led by Attorney General Jason Miyares into Loudoun County Public Schools?
- Finally, what does it mean that the board is "reviewing in detail" the allegations against Ziegler? Is the board conducting any kind of investigation process?

I am requesting responses by 3 p.m. EST today latest. Thank you.

Best,

Hannah

From: Natanson, Hannah <Hannah.Natanson@washpost.com>
Sent: Thursday, February 10, 2022 12:51 PM
To: Pyle, Charles <charles.pyle@doe.virginia.gov>
Subject: Re: Question

AMERICAN OVERSIGHT

Thanks, Charles. Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?

--

Hannah Natanson

Staff Writer, The Washington Post

(202) 580-5477

From: Pyle, Charles <charles.pyle@doe.virginia.gov>
Date: Thursday, February 10, 2022 at 10:19 AM
To: Natanson, Hannah <Hannah.Natanson@washpost.com>
Subject: Re: Question

CAUTION: EXTERNAL SENDER

Hannah,

§ 22.1-65 of the Code of Virginia describes the process for the removal of a division superintendent by the state Board of Education upon the recommendation of the state superintendent.

> § 22.1-65. Punishment of division superintendents.
>
> A division superintendent may be assessed a reasonable fine, suspended from office for a limited period or removed from office by either the Board of Education, upon recommendation of the Superintendent of Public Instruction or the school board of the division for sufficient cause. A division superintendent may appeal to the appropriate circuit court any decision of the Board of Education or school board to assess a fine against him or to suspend or remove him from office and shall be entitled to a trial de novo on such appeal of whether there was sufficient cause therefor.

Charles B. Pyle

Director of Media Relations

Virginia Department of Education

Charles.Pyle@doe.virginia.gov

(804) 371-2420

(804) 640-2117 mobile

On Wed, Feb 9, 2022 at 7:04 PM Natanson, Hannah <Hannah.Natanson@washpost.com> wrote:

> Hi all,
>
> Hope your weeks are going well.
>
> I'm reaching out about the letter that Loudoun parent group Fight For Schools sent to Supt. Balow requesting that she recommend removal of the Loudoun superintendent.
>
> Can you please let me know if/when she decides to act on this letter? Also, I'm curious about the process here. Can Supt Balow recommend, ask for or cause the removal of a district superintendent? I thought that power was vested only in district school boards.
>
> Thank you.
>
> Best,
>
> Hannah

AMERICAN OVERSIGHT

Get Outlook for iOS [aka.ms]

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

March 15, 2022

Fight for Schools
Ian Prior, Executive Director
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and for the information regarding Loudoun County Public Schools Superintendent Dr. Scott Ziegler.

Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/27/2022 4:40:29 PM
To: "Jon Russell" <jon.russell@doe.virginia.gov>, "Joan Johnson" <joan.johnson@doe.virginia.gov>, "Amanda Blount" <amanda.blount@doe.virginia.gov>
Cc:
Subject: Fwd: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code 22.1-65

Attachments: LTR to SuperVDOE.pdf

Jon,
Please respond to Mr. Prior that I received the formal request.

Amanda, Joan,
As we discussed last week, I request guidance on this matter and on options for proceeding.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Ian Prior** <ian@fightforschools.com>
Date: Fri, Feb 18, 2022 at 2:39 PM
Subject: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code 22.1-65
To: jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>
Cc: elizabeth.schultz@doe.virginia.gov <elizabeth.schultz@doe.virginia.gov>

Dear Superintendent Balow,

Please find attached a formal request that you recommend to the Board of Education the removal of Loudoun County Public Schools Superintendent Scott Ziegler.

The original copy that I sent via certified mail has for some reason been returned and I will resend, but I wanted to make sure that you officially received this electronically.

Thank you for your consideration.

Ian Prior
Fight for Schools
Phone: 571-639-6711
Email: ian@fightforschools.com
Twitter: @iandprior
Linkedin: https://www.linkedin.com/in/ian-prior-1a7851133/

AMERICAN OVERSIGHT

FightForSchools.com

February 9, 2022

VIA CERTIFIED MAIL

Jillian Balow
Superintendent of Public Instruction
Virginia Department of Education
James Monroe Building
101 N. 14th Street
Richmond, VA 23219

CC:

Loudoun County Board of Supervisors
Loudoun County Government Center
1 Harrison St. SE #5
Leesburg, VA 20175

Loudoun County School Board
21000 Education Court
Ashburn, VA 20148

Re: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code §22.1-65

Dear Superintendent Balow:

Congratulations on your appointment as Superintendent of Public Instruction for the Commonwealth of Virginia. The education issue was key to the sweeping change that came to Virginia in 2021, and parents everywhere look forward to the restoration of educational excellence to the Commonwealth's public schools in the years to come.

AMERICAN OVERSIGHT

As you are no doubt aware, nowhere has the spotlight shone brighter on the failures of Virginia's public school administrators than in Loudoun County. From school board members and administrators participating in private social media forums that targeted parents, to suspending a teacher in violation of his and other teachers' First Amendment rights, to willfully defying Governor Youngkin's Executive Order allowing parents the choice of whether their children wear masks in school, Loudoun County Public Schools has been a case study in mismanagement and disrespect to students, parents, and the taxpayers who fund its operations.

While many of the failures fall at the feet of the Loudoun County School Board, it should be clear to all observers that Superintendent Scott Ziegler does not possess the capability, experience, or leadership skills to sit at the helm of a $1.6 billion taxpayer-funded school division.

Many of those failures will likely be more fully explored in the investigation being conducted by Attorney General Miyares, but Superintendent Ziegler has become such a liability to the safety of Loudoun County children and the trust of the parents that rely on Loudoun County Public Schools to protect those children that, on behalf of Fight For Schools, I request you consider exercising your authority under VA Code §22.1-65 and recommend his removal as Superintendent of Loudoun County Public Schools.

Specifically, Superintendent Ziegler has repeatedly and blatantly misled the public on very serious issues of school safety and has exhibited complete disregard for transparency and accountability.

The following are some of provable examples of Superintendent Ziegler's actions that have not only eroded public confidence in his leadership and in LCPS, but also demonstrate the superintendent's pattern of dishonesty, unprofessional conduct, and willful incompetence.

1. **Superintendent Ziegler's Blatant Misrepresentation to the Public During a June 22, 2021 School Board Meeting**

On May 28, 2021, a young girl was sexually assaulted by a boy in a girls' bathroom at Stone Bridge High School. On the very same day, Superintendent Ziegler sent an email to the full school board informing them of that fact. See Exhibit A.

At the June 22, 2021 school board meeting where Policy 8040 was discussed (a policy which would allow students to use whichever bathroom and locker room that corresponds to the gender with which they identify), school board member Beth Barts asked Superintendent Ziegler the following: *"Do we have assaults in our bathrooms or locker rooms regularly? I would hope not, but I would like clarification."*

Superintendent Ziegler answered definitively: *"To my knowledge we don't have any records of assaults occurring in our restrooms."*[1]

Not only did Ziegler flat out lie about an issue of school safety, but he did so in the context of a debate over the safety of implementing Policy 8040. Such information would be extremely relevant to the public in that debate.

Moreover, at no point in time did Ziegler ever attempt to correct the record.

Worst of all, his failure to honestly state the facts put into motion a chain of events that directly led to the sexual assault of a second girl by the same assailant at a different school and is now the subject of an investigation by the Virginia Attorney General.

In this case, Superintendent Ziegler's knowing misrepresentation arguably would make him both civilly and criminally liable.

In Virginia, a civil cause of action for actual fraud requires a "plaintiff to prove (1) a false representation, (2) of a material fact, (3) made intentionally and knowingly, (4) reliance by the party misled, and (5) resulting damage to the party misled." Cohn v. Knowledge Connections, Inc., 266 Va. 362, 367 (2003).

Superintendent Ziegler falsely and knowingly stated that he was "unaware of any records of assaults occurring in our restrooms," despite sending a May 28, 2021 email to the school board informing them of the sexual assault in the Stone Bridge High School restroom. This was certainly a material fact, especially considering a public debate over bathroom safety policy. As a result, members of the public relied on his statement and were damaged by not receiving accurate information with which to provide input on a policy impacting their children's schools.

Superintendent Ziegler's failure to correct his misstatement also makes him potentially liable for concealment, which under Virginia law is defined as "[c]oncealment of a material fact by one who knows the other party is acting upon the assumption that the fact does not exist ***." Allen Realty Corp. v. Holbert, 227 Va. 441, 450 (1984).

Lastly, all school board meetings are broadcast "live on Comcast channel 18 and Verizon FIOS channel 43" as well as via simultaneous webcast. Pursuant to VA Code §18.2-209, entitled False publications, "[a]ny person who knowingly and willfully states, delivers or transmits by any means whatever to *** any radio station, television station, news service or cable service, any false and untrue statement, knowing the same to be false or untrue, concerning any person or corporation, with intent that the same shall be published, broadcast or otherwise disseminated, shall be guilty of a Class 3 misdemeanor."

[1] Publicly accessible video of June 2, 2021, school board meeting: https://vimeo.com/566103405

By making a knowingly false statement at a Loudoun County School Board meeting that was transmitted by cable news and a webcast, Superintendent Ziegler may have also violated the criminal prohibition against false publications.

2. **Superintendent Ziegler's Misrepresentation to the Public in a November 5, 2021 Press Release Concerning "Independent Review" of Sexual Assaults**

On November 4, 2021, following his election as Attorney General of the Commonwealth of Virginia, Jason Miyares announced that he would be investigating Loudoun County Public Schools' handling of two sexual assaults at two different schools by the same assailant.[2]

The next day, Superintendent Scott Ziegler issued a press release entitled "LCPS Announces Independent Review of Assault Allegations." The press release read, in relevant part, as follows:

"We believe we have followed all mandatory reporting protocols and aided law enforcement to the fullest extent allowed in all investigations regarding these matters. We acknowledge that these matters need to be fully reviewed. Consequently, and with full support of the School Board, ***Loudoun County Public Schools hired Blankingship & Keith, P.C. on October 28, 2021 to conduct an independent review of these incidents****."* (emphasis added)[3]

On January 3, 2022, on behalf of Fight for Schools, I sent a Freedom of Information Act Request to LCPS requesting the following:

"Any report or documents prepared by Blankingship & Keith, P.C. in conjunction with the independent investigation (hired on October 28, 2021 and announced on November 5, 2021) into LCPS's handling of allegations of student sexual misconduct at Stone Bridge and Broad Run high schools." See Exhibit B.

The LCPS Public Information Officer responded on January 10, 2022, as follows:

"There is one record responsive to your request, which is being withheld from disclosure in its entirety under Va. Code § 2.2-3705.1(2) relating to materials protected under the attorney client privilege. Furthermore, portions of the record are being withheld from disclosure under. Code § 2.2-3705.4(A)(1) relating to scholastic information and Va. Code § 2.2-3705.1(1) relating to personnel information concerning identifiable individuals." See Exhibit C.

---

[2] "Virginia Attorney General-elect Miyares plans to investigate school assault cases in Loudoun; chief prosecutor welcomes involvement," Loudoun Times-Mirror, November 4, 2021: https://www.loudountimes.com/news/virginia-attorney-general-elect-miyares-plans-to-investigate-school-assault-cases-in-loudoun-chief-prosecutor/article_51ed0f00-3dd6-11ec-a6c7-339513c0a478.html

[3] LCPS Announces Independent Review of Assault Allegations, November 5, 2021: https://www.lcps.org/site/default.aspx?PageType=3&DomainID=1&ModuleInstanceID=274904&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=416934&PageID=1

AMERICAN OVERSIGHT

Only after it became public knowledge that LCPS would not release the report did Loudoun County Public Schools communicate with the community about the existence of the report.

On January 14, 2022, the Loudoun County School Board issued a statement stating that it would not publicly release the report provided by Blankingship & Keith, P.C. due to attorney-client privilege. The release further detailed actions LCPS would be taking on matters that were the subject of the report.[4]

Section 2.2-3705.8 of the Virginia Freedom of Information Act, entitled "Limitations on record exclusions," provides as follows:

"Nothing in this chapter shall be construed as denying public access to the nonexempt portions of a report of a consultant hired by or at the request of a local public body or the mayor or chief executive or administrative officer of such public body if (i) the contents of such report have been distributed or disclosed to members of the local public body or (ii) the local public body has scheduled any action on a matter that is the subject of the consultant's report."

Superintendent Ziegler made it very clear in his November 5, 2021, release that Blankingship & Keith would be conducting an "independent review." The resulting report was provided to the Loudoun County School Board and LCPS announced actions it would be taking on the matter that was the subject of the report. Therefore, pursuant to §2.2-3705.8, public access should not be denied to non-exempt portions of the report.

However, LCPS has claimed that the report is exempt due to §2.2-3705.1(2), which subsection exempts the following from production to the public:

"Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege."

By claiming this exemption, Loudoun County Public Schools has now made it clear that Blankingship & Keith provided it with legal counsel as opposed to the "independent review" that Superintendent Ziegler sold to the public.

Furthermore, Loudoun County Public Schools did not "hire" Blankingship & Keith on October 28, 2021, as Superintendent Ziegler claims. In response to a FOIA sent to LCPS on January 15, 2022, requesting the retainer agreement between LCPS and Blankingship & Keith signed "on or around October 28, 2021," LCPS stated that no such documents exist. See Exhibits D and E.

[4] Statement from the Loudoun County School Board, January 14, 2022: https://www.lcps.org/site/default.aspx?PageType=3&ModuleInstanceID=335527&ViewID=7b97f7ed-8e5e-4120-848f-a8b4987d588f&RenderLoc=0&FlexDataID=420880&PageID=241236

AMERICAN OVERSIGHT

Instead, Loudoun County Public Schools actually hired Blankingship & Keith on June 15, 2021, to work for the division on an ongoing basis beginning in July of 2021, with the expectation that firm lawyers would be "on-site at LCPS central administration, say, twice per week on some scheduled basis for that purpose." See Exhibit F.

Superintendent Ziegler thus misled the public into believing that Blankingship & Keith was hired on October 28, 2021 to conduct an "independent review" of the division's handling of the sexual assaults at issue, when in fact this was nothing more than an internal investigation and legal advice from a law firm that had been on retainer since the summer.

To reiterate, Superintendent Ziegler misrepresented the nature of an investigation into an incident in which Ziegler misled the community about a sexual assault in a bathroom of which he had full knowledge, and his actions directly contributed to a second sexual assault of a second girl in a second high school by the same assailant, all of which generated the need for Blankingship & Keith to become involved.

Once more, the two false statements by Superintendent Ziegler make a *prima facie* case for fraud. He made a knowingly false statement about a material fact – the independence of the report and the date that Blankingship and Keith was hired – to gain the public's trust in the "independence" of a taxpayer-funded review.

Further, because this statement was released to the media, it may also violate VA Code §18.2-209's prohibition on false statements to publishers.

3. **Superintendent Ziegler's Misleading February 5, 2022 Press Release on Loudoun County Public School's Directive to Press Trespass Charges Against Students Suspended for Not Wearing Masks**

On February 5, 2022 Superintendent Ziegler sent out a press release entitled "Media Rumors Concerning LCPS."[5] The release stated, in relevant part:

"Loudoun County Public Schools (LCPS) would like to address a rumor that has been circulating in our community and in the media. The rumor, which is inaccurate, involves claims that LCPS has taken legal action against students who choose not to follow COVID mitigation measures in our school buildings. LCPS does not have the authority to arrest or charge any suspended students or their parents for trespassing. Furthermore, LCPS has not requested that local law enforcement charge any student with trespassing in connection with recent suspensions.

"Any student who is suspended from school and returns to school property, without administrative permission, may be issued a trespass notice. This is standard practice and a

[5] LCPS Press Release, Media Rumors Concerning LCPS, February 5, 2022: https://www.lcps.org/site/default.aspx?PageType=3&ModuleInstanceID=336264&ViewID=7b97f7ed-8e5e-4120-848f-a8b4987d588f&RenderLoc=0&FlexDataID=421796&PageID=241480

AMERICAN OVERSIGHT

warning that appears on all suspension notices. Again, students suspended for defiance of COVID mitigation protocols will not be charged with trespassing.

"I want to emphasize that, despite some unverified reports in the media, no students have been arrested for trespassing. Media accounts stating that LCPS is arresting students are not accurate, and create fear and potential harm for our students. We want to assure the community that our primary goal is to keep students in school, learning, and safe."

As of this date, it does not appear that there are any media reports that LCPS students had been arrested. Rather, Daily Caller reporter Chrissy Clark tweeted a video[6] of a Loudoun County assistant principal stating that it would be "considered trespassing" for any student to return to school who had been suspended for not wearing a mask. There have been several follow up stories based on that video, but upon information and belief, none have claimed that any student was arrested.

Thus, Superintendent Ziegler's press release was a textbook straw man argument to dispute rumors that did not exist, while failing to alleviate the concerns of parents about the actual statement made by the assistant principal.

Even worse, the assistant principal was not merely a rogue staffer – she was following orders. On February 2, 2022, the same day as Ms. Clark tweeted that video, Loudoun County Public Schools Director of Safety and Security John Clark sent an email to division principals outlining the steps for taking out a trespass summons/warrant from a magistrate to be served on students who entered school property after being suspended for not complying with the mask mandate.[7]

In other words, Loudoun County Public Schools provided detailed guidance on how to charge students with trespass, an assistant principal was caught on tape saying so, and Superintendent Ziegler said rumors of arrests were not true, even though there were not actual media rumors of "arrests," but it was true that LCPS was instructing staff on how to press charges for trespass.

Again, this another example of the stunning dishonesty and duplicity of an individual who heads up a school system that is responsible for educating more than 81,000 children.

---

[6] Chriss Clark Tweet, February 2, 2022: https://twitter.com/chrissyclark_/status/1488955682640601088?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1488955682640601088%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fstoplcpscrt.com%2F2022%2F02%2F02%2Fassistant-principal-of-a-loudoun-county-elementary-school-informing-parents-that-children-who-come-back-to-school-maskless-will-be-charged-with-trespassing%2F

[7] "Loudoun official coached principals on getting warrants for unmasked students," Washington Examiner, February 7, 2022: https://www.washingtonexaminer.com/policy/loudoun-official-coached-principals-on-getting-warrants-for-unmasked-students

4. **Superintendent Ziegler's Illegal Declaration of an Unlawful Assembly at the June 22, 2021 School Board Meeting**

Also at the June 22, 2021 school board meeting, former Senator Dick Black gave a public comment which was greeted with applause. After the applause subsided, then Vice-Chairwoman Atoosa Reaser moved to end public comment and the school board voted 9-0 to do so.

After the premature termination of the public comment session, several attendees remained in the building, continued to make public comments to the audience, and sang the national anthem. Superintendent Ziegler eventually declared the gathering an unlawful assembly, which resulted in attendee Jon Tigges being cited and charged with trespass.

Pursuant to VA Code §18.2-406, the following constitutes an unlawful assembly:

"Whenever three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize seriously public safety, peace or order, and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace or order, then such assembly is an unlawful assembly. Every person who participates in any unlawful assembly shall be guilty of a Class 1 misdemeanor."

At Mr. Tigges's trial, Superintendent Ziegler admitted that, despite declaring an unlawful assembly, he had no legal authority to do so. He said under oath:

"Upon reflection, we did an after action debrief with my staff and we agreed that, after reviewing the code that counsel cited at the beginning of trial that my words were incorrect." See Exhibit G, at 68-69.

Once again, Superintendent Ziegler engaged in inappropriate action at a school board meeting and did so based on information that he did not bother to reference before taking the drastic action that led to a parent being charged with trespass.

5. **Superintendent Ziegler's Misrepresentation of Loudoun County Sheriff's Deputy in Letter to Loudoun County Sheriff Mike Chapman**

In a November 5, 2021 letter to Loudoun County Sheriff Mike Chapman, Superintendent Scott Ziegler stated as follows:

"During the quarterly update to the Loudoun County Board of Supervisors on November 3, Col. Mark J. Poland of the Loudoun County Sheriff's Office suggested that your offices notified the Loudoun County Public Schools of charges in the Stone Bridge High School sexual assault case. The question-and-answer with the Board of Supervisors and Sheriff's Office went as follows:

AMERICAN OVERSIGHT

Dulles District Supervisor Matthew Letourneau asked Col. Poland of the Loudoun County Sheriff's Office:

"I'm just gonna ask, straight up, could you tell us if the Sheriff's Office did, in fact, notify Loudoun County Public School when the individual was charged?

Col. Poland answered: "To answer your question, they were notified. They were absolutely notified." See Exhibit H.

Superintendent Ziegler's claim that Col. Poland said that the Loudoun County Sheriff's Office told the Board of Supervisors that he notified Loudoun County Public Schools about the charges is not accurate – Col. Poland simply said that "they were notified," but did not specify who notified LCPS.

As outlined by Sheriff Chapman in his response letter of November 10, 2021, because the arrest did not occur on school grounds, VA Code §16.1-260 Section G requires the juvenile intake officer to notify the school superintendent of any juvenile student charged with a crime. See Exhibit I. Further, according to Sheriff Chapman, following the arrest, Jason Bickmore of the Loudoun County Juvenile Court Services Unit (JCSU) confirmed to the Loudoun County Sheriff's Office that the JSCU had sent a letter to Loudoun County Public Schools informing it of the arrest.

This is yet another example of a pattern and practice of Superintendent Ziegler misleading and misstating the facts to blame others and distract from his failed leadership.

6. **Superintendent Ziegler's Misrepresentation to the Public at the June 1, 2021 School Board Work Session Regarding Equity**

At the June 1, 2021 School Board Work Session Regarding Equity, in an effort to discredit the parent movement against CRT and to assert that Fight For Schools recognized his claim that there was no critical race theory taught in Loudoun County Public Schools, Superintendent Ziegler intentionally manipulated a quote I gave to ABC7 as Executive Director of Fight for Schools.

Superintendent Ziegler stated: *"Mr. Ian Prior stated on May 19th on WJLA-TV quote, nobody is saying that Loudoun County Public Schools or other schools are teaching critical race theory 101 like they would teach physics or chemistry. End quote."*[8]

The actual quote to WJLA-TV on May 19th carried quite a different meaning than Superintendent Ziegler's manipulation and was as follows: *"Nobody is saying that Loudoun County Public Schools or other schools are teaching critical race theory 101 like they would*

[8] Publicly accessible video of June 1, 2021 School Board Work Session Regarding Equity: https://vimeo.com/557614738

teach physics or chemistry, but is a broad lens that's implemented through how teachers are trained and how those trained teachers teach our children; which is to view America, to view our institutions, to view our culture, tradition, and language all based on systemic racism."[9]

This is yet another clear example of Superintendent Ziegler misleading the public on an issue of public concern to the community.

7. **Superintendent Ziegler's Misrepresentation to the Public During an October 3, 2021 Interview with Sharyl Attkisson on "Full Measure"**

During an interview with Sharyl Attkisson,[10] Superintendent Ziegler was asked about the private Facebook group "The Anti-Racist Parents of Loudoun County" that plotted to cancel parents that opposed LCPS policies and included, as members, six school board members and dozens of LCPS administrator and teachers: *"There were school board members and teachers on this Facebook group that were pressing the notion of Critical Race Theory for the schools,"* Attkisson said.

Ziegler responded: *"I'm not familiar with the group, so I wouldn't comment on it."*

Once more, Ziegler knowingly misrepresented himself to the public. The private Facebook group "The Anti-Racist Parents of Loudoun County" gave rise to a Loudoun County Sheriff's Office Investigation and a massive eight-month effort to collect signatures to remove the six school board members who were in the Facebook group. In fact, at the time that Superintendent Ziegler made this statement, the removal case against a former school board member was pending in court with a hearing date for motions scheduled for that week.

Further, Ziegler was informed of the activities of "The Anti-Racist Parents of Loudoun County" Facebook group in an email on March 12, 2021 – the very day that the group was plotting to cancel dozens of parents for their views. See Exhibit I.

Additionally, following the exposure of "The Anti-Racist Parents of Loudoun County" by the Daily Wire on March 16, 2021, then-Interim Superintendent Ziegler stated the following in his "Update on Equity Work," which was released to the public via email and the LCPS website:

"It has come to my attention that individuals, including some identifying themselves as LCPS employees, have made statements across social media about parents and their thoughts about

[9] "Critical Race Theory in Disguise? Equity plan has Loudoun County parents at odds," WJLA-TV, May 19: https://wjla.com/features/i-team/critical-race-theory-in-disguise-equity-plan-has-loudoun-county-parents-at-odds

[10] "Sharyl Attkisson: Inside The Battle Over "Critical Race Theory" In Loudoun County, VA Public Schools, Real Clear Politics, October 3, 2021: https://www.realclearpolitics.com/video/2021/10/03/sharyl_attkisson_inside_the_battle_over_critical_race_theory_in_loudoun_county_va_public_schools.html

AMERICAN OVERSIGHT

the school division's equity work. LCPS recognizes the right of its employees to free speech, but does not condone anyone targeting members of the community for their viewpoint."[11]

At the March 23, 2021 school board meeting where Superintendent Ziegler was present, numerous speakers brought up the group's activities as did school board member John Beatty.[12]

Similarly, at the August 10, 2021 school board meeting, school board member Jeff Morse brought up the group's actions and the failure of several school board members to condemn its activities.[13]

This is a seventh example, on a matter of immense public concern to Loudoun County, where Superintendent Ziegler knowingly made a false statement to the community.

8. **Superintendent Ziegler's False Statement to the Public at the September 22, 2020 School Board Meeting**

At the September 22, 2020, the Loudoun County School Board took up Draft Policy 7560 as an information item. See Exhibit J.

The policy was to be a new Professional Conduct Policy which required all LCPS employees to *"support the school division's commitment to action-oriented equity practices through the performance of the job duties, as the Division engages in the disruption and dismantling of white supremacy, systemic racism, and language motivated by race, religion, country of origin, gender identity, sexual orientation, and/or ability."*

The policy further stated that the following would be a violation of the policy: *"Any comments or actions that are not in alignment with the school division's commitment to action-oriented equity practices and which impact an individual's ability to perform their job responsibilities or create a breach in trust bestowed upon them as an employee of the school division. This includes on-campus and off-campus speech, social media posts, and any other telephonic or electronic communications."*

The policy also stated that an employee's First Amendment rights may be outweighed *"[a]chieving consistent application of the Board's and Superintendent's state mission, goals, policies and directives, including protected class equity, racial equity, and the goal to root out systemic racism."*

Finally, the policy encouraged staff to report such speech violations, and prohibited retaliation against an individual for making false reports if they were made with subjective good faith.

---

[11] Office of the Superintendent: March 19, 2021 - Update on Equity Work**:** https://www.lcps.org/Page/240170
[12] Publicly accessible video of March 23, 2021 school board meeting: https://vimeo.com/527781745
[13] Publicly accessible video of August 10, 2021 school board meeting: https://vimeo.com/585378140

AMERICAN OVERSIGHT

This policy represented a drastic and unconstitutional assault of the First Amendment rights of teachers and staff. School board member Denise Corbo asked then-Assistant Superintendent Ziegler if LCPS had reached out to the Loudoun Education Association for input. Ziegler replied:

"This was given to LEA prior to consideration by the committee. They had the opportunity to comment on it. After the committee adopted it, I did hear from one of the LEA UniServ directors with favorable feedback. She thanked me for putting in place a policy for the division that made it clearer to employees what expected behavior was."[14]

In response, Christy Sullivan, the UniServ director for the LEA, emailed Ziegler on September 24, 2020. See Exhibit K. She stated the following:

"I am responding to the statements you made about LEA during the School Board meeting on Tuesday. LEA did not receive proposed policy 7560 ahead of time. LEA has always received all proposed [p]olicies the same day immediately after they are sent to the SB HRTD committee. That has not been happening lately. You Jeff Morse, and I even had an email conversation about making sure that happened. Kelly was at the virtual SB HRTD meeting: the Policy was not discussed prior to public comments. You and I ***briefly*** *talked about the policy during a conversation about an HRTD employee issue. I stated LEA has seen cases in many of the areas cited in the policy and that I hoped it would help. I don't believe Kelly or I said the policy was favorable. When a proposed policy comes out, Kelly, Sandy, and I review the Policy and get feedback from members. Sandy brought that feedback to the School Board meeting on Tuesday. At no time did LEA provide feedback and state this Policy was fine.*

*****

"The way this is written looks like LCPS is trying to limit what employees can talk about, even on matters of public concern. This section needs much clarification for employees to believe LCPS is not attempting to remove their Constitutional Right to free speech."

Based on the response of the LEA, not only did then-Assistant Superintendent Ziegler mislead school board member Denise Corbo, but he also knowingly misrepresented facts to the public about a proposed code of conduct that was a blatant violation of LCPS employees' Constitutional rights.

While that policy was eventually pulled, Superintendent Ziegler later did exactly what was feared from this policy when LCPS suspended teacher Tanner Cross for exercising his First Amendment rights, off-campus, on a matter of public concern.

[14] Publicly accessible video of September 22, 2020 school board meeting: https://vimeo.com/460575112

Superintendent Scott Ziegler Should Be Removed as Superintendent of Loudoun County Public Schools

Chapter 390, Section 10 of the Administrative Code of the Commonwealth of Virginia details the qualifications required for division superintendents. Under "Personal qualities," it states that "[e]ligibility shall be limited to individuals whose records attest to good character and demonstrated ability as an educational administrator."

Further, as set forth in the Virginia Department of Education's "Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents," a division superintendent is to be evaluated on several criteria, including (1) Communication and Community Relations, and (2) Professionalism. See Exhibit L, at 45-47.

As part of an evaluation of a superintendent's "Communication and Community Relations," sample performance indicators include the following: "[promoting] a climate of trust and teamwork within the division," "models professionally appropriate communication skills, interpersonal relations, and conflict resolution," "establishes, maintains, and evaluates a planned two-way system of communication with community constituencies," "is politically astute and demonstrates the skills necessary to build community support to division goals and priorities," "uses acceptable written and oral language," and "treats people with respect."

Similarly, as part of an evaluation of a superintendent's "Professionalism," division superintendents "models professional, moral, and ethical standards as well as personal integrity in all interactions," "relates to board members, staff, and others in an ethical and professional manner," "serves as an articulate spokesperson for the school division and represents the division favorably at the local, state, and national levels," "resolves concerns and problems in an appropriate manner," "respects and maintains confidentiality and assumes responsibility for personal actions and those of subordinates," and "works in a collegial and collaborative manner with *** the community to promote and support the mission and goals of the school division."

At every turn, Superintendent Scott Ziegler has demonstrated a complete and utter failure to adhere to his moral, ethical, and professional obligations as a division superintendent. He has created a climate of distrust at Loudoun County Public Schools with his repeated misrepresentations and false statements. His actions have engendered conflicts rather than resolved them. Superintendent Ziegler shows no sensitivity for his constituency, has lost the support and trust of the Loudoun community, and continues to disrespect that community with unethical and misleading spin and rhetoric. This is not the conduct of a leader who exemplifies the professional and personal integrity required to oversee the education of more than 81,000 children.

While there are likely more examples of this than the incidents cited in this letter, on major issues of public concern to the community, Superintendent Ziegler's dishonest actions have

AMERICAN OVERSIGHT

significantly contributed to the credibility gap that plagues Loudoun County Public Schools and has made a once great school system a national punch line.

I therefore request that, pursuant to your powers under the laws and regulations of the Commonwealth of Virginia, you recommend the removal Scott Ziegler as Superintendent of Loudoun County Public Schools.

Thank you for your consideration.

Sincerely,

Ian Prior

Ian Prior
Executive Director of Fight for Schools

AMERICAN OVERSIGHT

EXHIBIT A

AMERICAN OVERSIGHT

From: Scott Ziegler
To: School Board Confidential
Cc: Ashley Ellis; Timothy Flynn; Kevin Lewis; Joan Sahlgren
Subject: CONFIDENTIAL School Incident
Date: Friday, May 28, 2021 4:09:00 PM

Good Afternoon, Board Members,

The purpose of this email is to provide you with information regarding an incident that occurred at Stone Bridge HS. This afternoon a female student alleged that a male student sexually assaulted her in the restroom. The LCSO is investigating the matter. Secondary to the assault investigation, the female student's parent responded to the school and caused a disruption by using threatening and profane language that was overheard by staff and students. Additional law enforcement units responded to the school to assist with the parent.

The school's counseling team is providing services for students who witnessed the parent's behavior. The alleged victim is being tended to by LCSO.

As LCSO is investigating both incidents, further updates may not be available.

Scott A. Ziegler, Ed.D.
Interim Superintendent of Schools
Loudoun County Public Schools
21000 Education Court
Ashburn, VA 20148
Scott.Ziegler@lcps.org

AMERICAN OVERSIGHT

EXHIBIT B

AMERICAN OVERSIGHT

Gmail [redacted]

Public Records Request :: R000751-010322

1 message

Loudoun County Public Schools Public Records <lcps@govqa.us> Mon, Jan 3, 2022 at 4:26 PM
To: [redacted]

Powered by GovQA

Dear Ian Prior:

Thank you for your interest in public records of Loudoun County Public Schools. Your request has been received and is being processed in accordance with the Virginia Freedom of Information Act. Your request was received in this office on 1/3/2022 and given the reference number R000751-010322 for tracking purposes.

Records Requested: -Any report or documents prepared by Blankingship & Keith, P.C. in conjunction with the independent investigation (hired on October 28, 2021 and announced on November 5, 2021) into LCPS's handling of allegations of student sexual misconduct at Stone Bridge and Broad Run high schools.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Virginia Freedom of Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

Loudoun County Public Schools

To monitor the progress or update this request please log into the Public Records Center

Powered by GovQA

AMERICAN OVERSIGHT

EXHIBIT C

AMERICAN OVERSIGHT

Gmail [redacted]

[Records Center] Public Records Request :: R000751-010322

Loudoun County Public Schools Public Records <lcps@govqa.us> Mon, Jan 10, 2022 at 4:46 PM
[redacted]

--- Please respond above this line ---

Mr. Prior,

There is one record responsive to your request, which is being withheld from disclosure in its entirety under Va. Code § 2.2-3705.1(2) relating to materials protected under the attorney client privilege. Furthermore, portions of the record are being withheld from disclosure under. Code § 2.2-3705.4(A)(1) relating to scholastic information and Va. Code § 2.2-3705.1(1) relating to personnel information concerning identifiable individuals.

I also want to let you know that you currently have an outstanding charge of $72.15 that has been outstanding for over 30 days. Please be advised that a public body may require a requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing under Va. Code § 2.2-3704(I).

- Wayde B. Byard

To monitor the progress or update this request please log into the Public Records Center

Powered by GovQA

AMERICAN OVERSIGHT

EXHIBIT D

AMERICAN OVERSIGHT

Gmail [redacted]

Public Records Request :: R000758-011522

Loudoun County Public Schools Public Records <lcps@govqa.us> Sat, Jan 15, 2022 at 5:31 PM
[redacted]

Powered by GovQA

Dear Ian Prior:

Thank you for your interest in public records of Loudoun County Public Schools. Your request has been received and is being processed in accordance with the Virginia Freedom of Information Act. Your request was received in this office on 1/15/2022 and given the reference number R000758-011522 for tracking purposes.

Records Requested: -The retainer agreement between LCPS and Blankingship and Keith, signed on or around October 28, 2021, for the purposes of an independent review of LCPS's handling of the sexual assaults at Stone Bridge and Broad Run and announced by Superintendent Ziegler on November 5, 2021.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Virginia Freedom of Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

Loudoun County Public Schools

To monitor the progress or update this request please log into the Public Records Center

Powered by GovQA

AMERICAN OVERSIGHT

EXHIBIT E

AMERICAN OVERSIGHT

Gmail [redacted]

[Records Center] Public Records Request :: R000758-011522

Loudoun County Public Schools Public Records <lcps@govqa.us> Fri, Jan 21, 2022 at 11:27 AM
[redacted]

Powered by GovQA

Dear Ian Prior,

RE: PUBLIC RECORDS REQUEST of January 15, 2022, Reference # R000758-011522

Dear Ian Prior,

The Loudoun County Public Schools received a public information request from you on January 15, 2022. Your request mentioned:

"-The retainer agreement between LCPS and Blankingship and Keith, signed on or around October 28, 2021, for the purposes of an independent review of LCPS's handling of the sexual assaults at Stone Bridge and Broad Run and announced by Superintendent Ziegler on November 5, 2021."

This email is to notify you that no records exist. Your request has been closed.

If you have any questions, please contact my office at . Thank you for your attention.

Sincerely,

Wayde Byard
Communications and Community Engagement

To view the full details of this request please log into the Public Records Center.

Powered by GovQA

AMERICAN OVERSIGHT

EXHIBIT F

AMERICAN OVERSIGHT

B&K Blankingship Keith pc
4020 University Drive
Suite 300
Fairfax, Virginia 22030
T: 703.691.1235
F: 703.691.3913

JOHN F. CAFFERKY
jcafferky@bklawva.com

June 15, 2021

By electronic mail (scott.ziegler@lcps.org)

Loudoun County School Board, c/o
Scott A. Ziegler, Ed. D.,
Division Superintendent
21000 Education Court
Ashburn, VA 20148

Re: Proposal to Provide Interim Outside Division Counsel Services

Dear Dr. Ziegler:

Following up our recent telephone conversation, this letter will confirm and constitute my firm, Blankenship & Keith, PC's (the "Firm") offer and intent to provide necessary legal services to the Loudoun County School Board, and Loudoun County Public Schools (LCPS) beginning July 1, 2021, on an interim "as needed/as requested" basis as a result of the retirement of LCPS Division Counsel later this month.

As I have mentioned, my practice over the last 35 years has been devoted primarily, and now almost exclusively, to representing Virginia school boards and school divisions. I have served (and serve) as Division Counsel to several, and outside counsel to numerous others. Both from experience and from talking to Mr. DeVita, I believe I have a good idea of the Board's and the Division's legal needs, as well as the way in which Division Counsel works with the various outside counsel (most of whom I know well) whom LCPS regularly engages. At the same time, I am confident that Mr. DeVita is familiar with my experience, and I have had some opportunity to work with your Board. Nonetheless, if you would like a detailed list of references, I would be more than happy to provide them.

My Firm will provide general advice and representation to LCPS and the School Board on all routine legal matters and, if requested, attend meetings of the School Board. Examples of routine matters that would be included are rendering advice over the telephone or by email to the School Board, the Superintendent and designated members of the Superintendent's staff, as appropriate; consulting with approved staff members as necessary to provide advice; and rendering written advice in circumstances which do not require substantial amounts of research.

In addition to general, routine representation, the Firm will provide legal advice and representation on non-routine matters when requested and agreed upon. Non-routine matters include litigation, complex hearings, EEOC complaints, OCR investigations, extensive contract review and negotiation, and other specific engagements requiring a significant amount of time. We will consult with you prior to opening separate non-routine matters so that you know, in advance, and have a clear

AMERICAN OVERSIGHT
VA-22-0316-A-000149

B&K Blankingship Keith pc
4020 University Drive
Suite 300
Fairfax, Virginia 22030
T: 703.691.1235
F: 703.691.3913

JOHN F. CAFFERKY
jcafferky@bklawva.com

understanding of what will result in supplementary legal fees. In addition, we will provide you with status updates from time to time during this engagement.

Our work under this agreement will be subject to the attached LCPS Guidelines for Outside Counsel ("Guidelines"). In the event of a conflict between this letter and the Guidelines, the Guidelines will control.

The Firm now includes a team of partners and associates who also provide legal advice, and litigation representation, to school boards and school divisions. These include, among others, Partners Bill Porter and Laurie Kirkland, who work with schools in litigation and HR matters; Jeremy Root, Giff Hampshire and Quint Robinson, who handle transactional and landuse matters; and Associates Melissa Little, Emily Haslebacher and Ian McElhaney, among others. Bios of all of them (in addition to mine) are available on our firm website.

For the sake of simplicity, we would propose to charge $300 per hour for work by partners, and $250 for Associates. This is the same rate as we charge to our regular school clients, and a significant discount from our regular rates, as well as a reduction from the rate we have been charging for occasional LCPS projects. We do reserve the right to review and revise our hourly billing rates as appropriate.

One important recommendation I have is that legal work should flow to, and from, Division Counsel via some established protocol. This prevents both left hand/right hand-type misunderstandings, as well as over-use of legal resources. Typically, I recommend that on the Board, the Chair and/or Vice-Chair have the ability to seek advice on behalf of the Board, and that other individual Board members go through the Board leadership do to so. On the Division side, typically I would communicate with the Superintendent and leadership team-level administrators, as well as those other school administrators or staff whom they in turn identify.

We bill on a monthly basis so it will be possible for you to monitor the work and the resulting fees on a regular basis. These bills will be sent to the Superintendent's office with a copy to the Director of Procurement's office. I or my designee will review all monthly invoices to see that they are appropriate, and you should feel free to discuss with the Firm any questions concerning any invoice. These bills will include charges for courier/delivery, postage, and court reporter costs as well as any additional sums that we advance on your behalf in relation to a case or matter. Our bills are due upon presentation, and though we have not found it necessary to do so, we reserve the right to charge interest at 6% per annum on any amounts that remain unpaid for more than 30 days.

AMERICAN OVERSIGHT
VA-22-0316-A-000150

B&K Blankingship Keith pc
4020 University Drive
Suite 300
Fairfax, Virginia 22030
T: 703.691.1235
F: 703.691.3913

JOHN F. CAFFERKY
jcafferky@bklawva.com

It is essential to our representation of you that you cooperate with us fully and provide us all the information we need to assist the Board and Division. I encourage clients to keep detailed notes of questions that may arise and of any new information or other important matters that come to your attention.

One additional suggestion in that regard: Some of our regular clients have found it helpful to have the attorney on-site, in order to be available for staff to be able to drop by with questions that may arise, rather than always having to email them. I would be prepared to arrange to be on-site at LCPS central administration, say, twice per week on some scheduled basis for that purpose. In that situation, I do not charge billable time for the travel, nor for time while there spent on non-LCPS matters.

Communication via email is not necessarily the most secure means of communication, though nowadays, it is widely employed. In any event, by signing this agreement, you acknowledge that we may correspond by email, notwithstanding the risk that communications may be intercepted by third parties.

If at any time you become dissatisfied with our handling of any matter, you should not hesitate to tell me immediately so we can resolve the problem and maintain a good relationship with you. LCPS may terminate our representation at any time. In the event of termination, LCPS will be responsible for payment of any fees earned or expenses incurred. Blankingship & Keith may terminate this relationship upon written notice and only as permitted or required by laws and regulations, or if you fail to cooperate or follow our advice on a material mater, or if there exists at any time a factor circumstance that would, in our opinion, render our continuing representation unlawful, unethical, or otherwise inappropriate. Failure to pay fees or expenses will be cause for such termination.

The Firm also agrees, upon termination, to undertake steps to the extent reasonably practicable to protect your interests, including allowing time for employment of other counsel and providing your file as required by the Virginia Rules of Professional Conduct.

The Firm will take reasonable steps to protect the confidentiality of all confidential information obtained during the course of our representation of you including after the termination of the matter. If the Firm receives a demand from any person or entity for the contents of your file, the Firm will use its best efforts to immediately notify you of such a demand so that you may take what efforts you think appropriate to resist or comply with the demand.

The Firm shall provide services as an independent professional. Under no circumstances will the Firm be considered an employee of the School Board.

AMERICAN OVERSIGHT

B&K Blankingship Keith pc
4020 University Drive
Suite 300
Fairfax, Virginia 22030
T: 703.691.1235
F: 703.691.3913

JOHN F. CAFFERKY
jcafferky@bklawva.com

The Firm shall assume all risks for damage or injury to their property, their person, or to their employees or subcontractors as a result of or in connection with the contracted services. The Firm shall assume responsibility for damage they cause to the property of others as well as any personal or bodily injury they cause to others in connection with the agreed upon services.

The Firm shall maintain in force during the term of this engagement general liability and lawyers' professional liability insurance, with coverage of at least One Million Dollars ($1,000,000) for each occurrence, insuring itself and its agents and employees for their wrongful acts, omissions or negligence. The Firm shall provide to LCPS evidence of such insurance coverage in the form of a Certificate of Insurance.

If the terms of this engagement letter are acceptable, please sign below and return a signed copy to me.

Please call me if you have any questions regarding the terms of our proposed representation. We look forward to the prospect of working with you, LCPS and the Board.

Very truly yours

John F. Cafferky

Accepted By:

Scott A. Ziegler, Ed.D.
Division Superintendent
Loudoun County Public Schools

Signature: _____

Date: June 16, 2021

AMERICAN OVERSIGHT
VA-22-0316-A-000152

GUIDELINES FOR OUTSIDE COUNSEL

These guidelines provide for when and how to bill for services, describe reimbursable costs, and provide expectations for planning and budgeting for legal cases/projects reasonably anticipated to meet or exceed $10,000. Legal services may be procured by competitive negotiations for any cases/projects or other matters whose aggregate phases are expected to meet or exceed $60,000.

I. BILLING

A. Format. A separate billing statement should be submitted for each School Board case/project for which the Firm or attorney is working. If the Firm submits a single statement, itemized billable hours and disbursements for each project should be set forth in a separate section of the statement. The following information is required on each billing statement with respect to each case/project:

1. Title of the project (assigned upon retention of services by the responsible School Board staff member).

2. Name of the outside attorney in charge of the project.

3. For each date that services are rendered, a description should accompany the entry and the amount of time spent (see Paragraph B below) and be written with sufficient specificity so that the School Board staff member may understand the nature of the time spent, the specific subject matter and transaction and should include factually detailed information.

4. Entries should be listed or compartmentalized in a fashion that facilitates redaction of confidential information, if necessary.

5. Total hours billed for the period by each provider of services.

6. Billing rate for each provider of services.

7. Specific fee arrangements, if applicable.

8. Aggregate fees for the monthly billing period.

9. Itemized disbursements for the monthly billing period.

10. The Total Approved Budget for the Case/Project, if any.

11. The total amount billed on the case/project from inception through the current bill.

12. No bill should be submitted with blocked/bulk time entries. Time entries must be separated by each task performed.

B. Rates and Practices

1. Notice of any changes in rates must be provided to the School Board, in writing, before becoming effective.

2. Hourly billable rates shall be billed in six (6) minute increments as reflected by one/10th (.10) increments on a monthly bill. Quarter (.25) incremental billing or minimal fifteen (15) minute billing increments are prohibited.

3. Cases and matters should be staffed by the fewest number of attorneys and paralegals necessary to perform the work effectively and efficiently without jeopardizing quality.

AMERICAN OVERSIGHT

4. The School Board will not pay for the attendance of more than one attorney at meetings, depositions, interviews, hearings or other investigative and/or pre-trial matters, unless approval is obtained at last seven (7) days in advance.

5. Selection of attorneys and legal assistants to work on an assigned case/project should be identified in plans and budgets for projects anticipated to meet or exceed $10,000 and agreed to by the School Board. The School Board generally prefers not to have first- or second-year associates or summer associates assigned to its cases/projects. If it is necessary to associate with counsel outside the firm, or to retain experts to work on a project, you must advise us in advance of the need for their involvement, their billing rates and the budget for their services and obtain our approval before retaining them regardless of whether costs are reasonably anticipated to meet or exceed $10,000.

6. The School Board will not pay for the Firm's attorneys/paralegals participating in internal Firm meetings or discussions without our presence. The School Board does not pay to offset the training or supervision of associates or others. We also ask you to keep to a minimum the number of attorneys participating in telephone and office conferences with us for whom you intend to bill.

7. The School Board retains outside counsel for their expertise in the areas of law involved in a project. Therefore, we do not expect basic research, seminars, or other trainings to be part of any plan, budget, or billings. Any proposed material research memoranda should be itemized in any approved plan and budget. Research on a body of law that outside counsel should be familiar will not be allowed.

8. Duplication/repetition of effort among staff members must be avoided.

9. Attorneys and paralegals may not bill for clerical tasks.

10. The School Board will not pay to bring associates or staff up to speed on a case due to unforeseen changes in staffing by the Firm.

11. The School Board will not pay for time spent in preparing, revising, or discussing budgets or bills or answering questions about the budget or bills.

C. Frequency and Retention of Bills

1. Unless another arrangement has been agreed to in writing, bills should be submitted monthly, no later than fifteen (15) days following the last business day of the month during which services were rendered.

2. Outside counsel is required to prepare and maintain all bills and supporting documentation for seven (7) years. For audit purposes, daily time sheets maintained by attorney name, caption, date, time with a detailed description of services are to be included in the needed documentation.

II. REIMBURSEMENTS

A. Travel

1. Travel to and from meetings, depositions, hearings, trials, etc. shall not be allowed except with advance approval and shall be paid at one-half the usual hourly rate or the Firm's travel rate, whichever is lower, for in-state travel. If the Firm has no travel rate that is customarily charged to clients, then there shall be no travel rate charged to the School Board or if the customarily charged rate is lower than the formula here, then the School Board shall receive the benefit of the lower rate.

2. Travel time and expenses will be disallowed if travel distance from outside counsel's office to destination is within a ten (10) mile radius, including travel time to and from the courthouse or other destination for attending hearings or depositions or the filing of pleadings or other litigation or pre-litigation activities.

AMERICAN OVERSIGHT

3. Should out-of-state travel become necessary, outside counsel shall always seek pre-approval from the responsible School Board staff member. When the occasion arises, outside counsel should seek the most economical means of travel and instruct travel agents accordingly. In any event, air travel will not be reimbursed at more than coach (domestic) or business class (international) rates. Similarly, expenses for lodging and ground transportation should be as economical as reasonably feasible. Receipts are required for all travel expenses, except meals. Meals will be reimbursed at $61 per full day.

4. Outside counsel is urged to plan travel so that travel time may be used to work either on the School Board matter for which the travel is being undertaken or for other clients so as to avoid billing the School Board for unproductive time.

B. Digital Legal Research

1. Major computerized research projects should be authorized in advance. A computerized research project is considered major when the online time is expected to exceed three (3) hours. Repetitive research queries that duplicate prior research conducted in other cases on the same issue will not be allowed. However, reasonable time to update and/or modify prior research for use in a new case is acceptable, and therefore, compensable.

2. Should the need arise for outside counsel to retain an expert, other specialized service provider, or other specialized services, written pre-approval must be obtained from the responsible School Board employee at least seven (7) days in advance of retaining the expert, the service provider or specialized services.

3. Charging for the use of a "litigation support department" or other such personnel to handle eDiscovery or other electronically stored information shall be prohibited in routine matters and may be considered by the School Board only upon advanced written request from the Firm containing a stated budget estimate.

C. Other Reimbursements

1. The School Board will not reimburse for courier service or expedited mail when the urgency is a matter within outside counsel's control.

2. The School Board will reimburse the following disbursements as indicated:
   (i) Lexis/Nexis and/or Westlaw Cost
   (ii) Law firm photocopies cost, not to exceed $.05/page
   (iii) Postage/courier cost
   (iv) Office long-distance telephone and fax cost
   (v) Printing and binding cost

3. The School Board will not reimburse for the following:
   (i) Mail handling
   (ii) New File Set up
   (iii) Calendar maintenance
   (iv) Copying when digital copies could have been provided,
   (v) Faxing,
   (vi) Data Entry
   (vii) Routine Scheduling
   (viii) Enclosure or transmittal letters (attorney or clerical time)
   (ix) Secretarial overtime
   (x) First Class airfare
   (xi) Scheduling of events, i.e., depositions, hearings, etc.

AMERICAN OVERSIGHT

III. LEGAL PROJECT MANAGEMENT PROCEDURES

A. Plan and Budget

1. For legal projects, whether transactional or litigation, strategic plans and budgets are the primary mechanisms by which the School Board collaborates with outside counsel to promote the best legal/business result possible. This enables the School Board to most effectively manage and monitor a project, to control costs and plan internal department budgets, and to mobilize needed in-house resources. In litigation matters, it permits the School Board to evaluate potential exposure, to analyze settlement values and approaches and to develop the most effective strategies for successful dispute resolution.

2. Consequently, a plan and budget must be prepared at the inception of any case or legal project for which costs are reasonably anticipated to meet or exceed a total of $10,000. No payment for services will be authorized until a plan and budget have been submitted and approved.

3. The School Board will not pay for time spent preparing or revising project plans and budgets.

4. The budget should represent a realistic estimate of the time expected to be required, taking into consideration known facts and circumstances. The total budgeted expense should be expressed as a dollar amount, not a range, and should not factor in unforeseen contingencies. For complex projects, the plan and budget may encompass only the initial phase of a project. Subsequent phases may be planned and budgeted later.

B. Essential Components

1. The degree of detail required will vary with the complexity and projected total cost of any given assignment and should be discussed with the responsible School Board department when retained. At a minimum, a Legal Case/Project Budget must be completed and approved for each legal project meeting the criteria. The following information should be provided:

2. Name of case/project.

3. Identification of partners, associates and legal assistants who will staff the project and their billing rates.

4. A description of the legal project, itemizing the material legal services to be undertaken, the estimated hours/cost required for each and the key milestones (by date or time period, as appropriate) for completion.

5. Identification of any significant expected expenditures for experts, travel, printing, filings, exhibits, eDiscovery and the like.

6. For litigation: an evaluation (to be updated or refined as developments warrant) of probable exposure/award ranges, settlement prospects and strategies, and opportunities for alternative dispute resolution.

7. For non-litigation: preliminary identification of primary areas of legal or factual investigation or research, and/or proposed strategy.

8. In many cases, we anticipate that the plan and budget will be created following discussions among the School Board, business services representatives, Division Counsel, and outside counsel, at the inception of the project. After the School Board has received the plan and budget from the Firm, we will discuss any questions or comments we may have, and any changes required before the plan and budget are approved.

AMERICAN OVERSIGHT

C. Revisions of the Plan and Budget

1. The budget represents the total amount authorized to be paid for the specific legal project unless a revised budget is approved by the School Board.

2. In the event unforeseen developments signal that the budget is in danger of being exceeded, outside counsel will inform the School Board before the budget is exceeded in order to discuss the new developments, the alternative strategies available, and to agree upon a revised plan and budget for the project.

3. A revised budget must be approved before services will be authorized in excess of the original budget.

D. Reporting. Outside counsel are not required to provide written reports provided the School Board department head is kept informed of substantial developments or unless a written report is requested by the School Board department head.

E. Documentation. Outside counsel must always provide the School Board department head the following documentation in a timely manner:

1. Copies of all pleadings and amended pleadings, reports, evaluations, memoranda, legal research, legal opinions, or other substantive documents that are either prepared or received by outside counsel.

2. A copy must also be sent to Division Counsel when applicable.

F. No payment will be made for preparation of pleadings and other substantive documents when copies have not been furnished to the School Board for advance review and/or approval.

IV. DISPUTE RESOLUTION

A. Regarding any dispute with the Firm, the Firm shall first be required to seek the decision of the Division Superintendent prior to instituting any legal action in any court. All legal actions shall be brought in the Loudoun County Circuit Court. Each party will pay their own legal fees.

B. Binding arbitration is strictly prohibited.

C. Non-binding mediation may be mutually agreed upon by the parties.

AMERICAN OVERSIGHT

EXHIBIT G

AMERICAN OVERSIGHT

1

IN THE GENERAL DISTRICT COURT OF LOUDOUN COUNTY
----------x
COMMONWEALTH OF VIRGINIA, :
Plaintiff, : Case No.
vs. : GC 21002176-00
JON TIGGES, :
Defendant. :
----------x

Hearing
Before the Honorable IAN R.B. WILLIAMS
Leesburg, Virginia
Wednesday, September 22, 2021
9:32 a.m.

Job No.: 401256
Pages: 1 - 176
Transcribed by: Teresa R. Salazar

2

Hearing held at:

LOUDOUN GENERAL DISTRICT COURT
18 East Market Street
Leesburg, Virginia 20176
(703)777-0312

Pursuant to agreement, before Brendon Cuenca, Notary Public in and for the State of Maryland.

3

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:
BUTA BIBERAJ, ESQUIRE
LOUDOUN COUNTY ATTORNEY'S OFFICE
20 East Market Street
Leesburg, Virginia 20176
(703) 777-0242

ON BEHALF OF THE DEFENDANT:
CHRISTOPHER I. KACHOUROFF, ESQUIRE
DOMINION LAW CENTER, P.C.
13649 Office Place
Suite 101
Woodbridge, Virginia 22192
(703) 365-9900

4

A P P E A R A N C E S
(Continued)

ON BEHALF OF DEFENDANT:
JOSH HETZLER, ESQUIRE
FOUNDING FREEDOMS LAW CENTER
707 East Franklin Street
Richmond, Virginia 23219
(804) 971-5509

ALSO PRESENT:
Jon Tigges, Defendant

AMERICAN OVERSIGHT
VA-22-0316-A-000159

5

C O N T E N T S

	PAGE
PLAINTIFF'S OPENING STATEMENT: Ms. Biberaj	11
DEFENDANT'S OPENING STATEMENT: Mr. Kachouroff	13

WITNESSES FOR THE PLAINTIFF:	Direct	Cross	Redirect	Recross
Scott Ziegler	23	53		
Easton McDonald	78	104		
Jason Leydig	116	143	146, 150	149

E X H I B I T S

(Retained by the Court.)

EXHIBIT	PAGE
Exhibit 1 Video	116

6

P R O C E E D I N G S

MS. BIBERAJ: Good morning, Judge. Buta Biberaj for the Commonwealth.

THE COURT: Good morning, again. Got Mr. Tigges somewhere?

MR. TIGGES: I'm here, sir.

THE COURT: That's you?

MR. TIGGES: That's me.

THE COURT: Where's your lawyer?

MS. BIBERAJ: Judge, they were outside just a moment ago.

THE COURT: Okay. All right.

All right. Is it Mr. Davis? Is that right?

MR. KACHOUROFF: Mr. Tigges, Your Honor.

THE COURT: No, no, but what's your name?

MR. KACHOUROFF: Good morning, Your Honor. My name is Chris Kachouroff.

THE COURT: Nice to see you.

MR. KACHOUROFF: I'm Co-Counsel with Josh Hetzler --

7

THE COURT: All right.

MR. KACHOUROFF: -- on this matter.

THE COURT: All right. Thank you very much. And this matter comes on, on a trespassing charge. I take it there's a plea of not guilty to that charge?

MR. KACHOUROFF: You would be correct, Judge.

THE COURT: All right. Are there any preliminary matters that need to be addressed before we start the trial?

MS. BIBERAJ: Judge, there would be request to rule on witnesses. Other than that, no, sir.

THE COURT: All right. How many -- let me ask the Commonwealth, how many witnesses do you have?

MS. BIBERAJ: Judge, we have potentially six.

THE COURT: Six witnesses. How many do you have?

8

MR. KACHOUROFF: At this time, I don't have any witnesses to put on.

THE COURT: Okay. All right.

MR. KACHOUROFF: I do have one housekeeping matter, though, Your Honor.

THE COURT: Okay. Let's -- let me swear the witnesses first.

MR. KACHOUROFF: Okay.

THE COURT: And then I'll take up the other housekeeping matter.

Let me ask any person here as a witness in the case of Commonwealth versus Jon Tigges to please stand, raise your right hand to be sworn at this time.

Do you and each of you swear or affirm the testimony you'll give here today will be the truth and the whole truth, under penalty of law?

THE WITNESSES: I do.

THE COURT: Thank you. And who would be your first witness? I'll let the others go out in the hall.

MS. BIBERAJ: Judge, Dr. Ziegler will

AMERICAN OVERSIGHT

9

be my first witness.
THE COURT: All right. He can stay where he is right now. The other witnesses need to go out in the hall. Do not discuss this case while you are waiting. And we will call you if and when you're needed as a witness.
THE COURT REPORTER: Your Honor, would you like to swear me in?
THE COURT: Do you swear or affirm you'll transcribe the evidence and the testimony presented here today to the best of your ability under penalty of law?
THE COURT REPORTER: I do.
THE COURT: Thank you very much.
THE COURT REPORTER: Thank you.
THE COURT: All right. And you said you had some matters you wanted the Court to address?
MR. KACHOUROFF: Yes, Your Honor. The first thing, he's been charged under 18.2-119 and for being warned for trespass at a school board assembly. I believe the correct charging statute

10

should be 18.2-128, which is trespass upon school property is what this case arises out of, and so I would request that the Commonwealth either amend it or move to dismiss. I think they'll amend it.
THE COURT: I don't know. What's your response to that?
MS. BIBERAJ: Judge, if the Court would grant me one second.
Judge, we would ask the Court to amend it to 18.2-128, Subsection B.
THE COURT: 18.2-128, B as in?
MS. BIBERAJ: B as in Boy, sir.
THE COURT: Bob. Any objection to that?
MR. KACHOUROFF: No, Your Honor.
THE COURT: All right. That's done. That's amended. Any other preliminary matters that need to be addressed?
MS. BIBERAJ: Not on the part of the Commonwealth.
MR. KACHOUROFF: No, Your Honor.

11

THE COURT: Okay. Would either counsel like to make an opening statement?
MS. BIBERAJ: We would, Judge, briefly.
THE COURT: If either counsel at that distance may lower your mask if you wish to communicate more efficiently.
MS. BIBERAJ: Thank you, Judge, and I may do that just when addressing the Court. Thank you for the benefit to be able to do that. Good morning.
THE COURT: Good morning.
MS. BIBERAJ: Judge, on June 22nd of 2021, in the Loudoun County Public School administration building located in Loudoun County, there was a school board meeting. Based on the incidence of that evening, it was assessed that the level of risk to the community as far as individuals becoming agitated and aggressive, the school board ended up terminating the public comment.
That was made -- the announcement was made by Dr. Ziegler, who is the agent of Loudoun

12

County Public School System, directing individuals to go ahead and vacate the boardroom. That warning and that request was repeated on numerous occasions.
Mr. Jon Tigges, who we'll identify for the Court as the person in the courtroom here today --
MR. KACHOUROFF: We'll stipulate.
MS. BIBERAJ: -- ended up refusing to leave when specifically asked whether or not he was going to leave. He was then placed under arrest. Later, after some of the other incidences related to the crowd control, he was released on a summons and is here today for trial.
We would ask the Court at that point to find that he willfully refused to leave the premises as directed by the proper authorities and, therefore, is guilty of trespass upon school property. Thank you.
THE COURT: Okay. Would you like to make an opening?

AMERICAN OVERSIGHT
VA-22-0316-A-000161

13

MR. KACHOUROFF: Please, Your Honor, briefly.

May it please the Court, this was a school board meeting and under Virginia law, as the Court may know, I think it's 2.2-3707, the open meeting statute, all public meetings that are designated for -- as a public forum, you're entitled to have the public there listening.

Now in this particular open meeting case, you have a school board that decides to terminate public comment, and they decide to terminate public comment because people are not showing applause this way. And I'm motioning with my hands. They call them -- I don't know if they call them glee hands or jazz hands, where that's how they show their approbation and applause to a speaker. The school board didn't like this (claps hands), so -- and I'm clapping, obviously for the court reporter's benefit.

So in this open meeting statute where you have a crowd that's present, they have a right to be there. It's a duly noticed meeting.

14

The school board sets the time, place, and manner. They actually designated a portion of the public meeting for public comment. Now they decided to terminate public comment and went on recess. The public meeting wasn't over. The public had a right to be there. Indeed, one the deputies stayed for that meeting after the room was clear because he wanted to hear a point that was going to be discussed, so basically operating as a member of the public at that point.

I heard my colleague say that it was assessed that there was a risk, that there was this level of agitation and safety to the public. Well, Virginia statutes cover that, and they have codified -- the general assembly had codified a well-known statute. It's the unlawful assembly statute and that statute is probative here because, first of all, the superintendent, as you'll hear -- I know they won't deny this. They can't because it's on tape -- declares this to be an unlawful assembly.

And under the Virginia Code, in order

15

for this to be an unlawful assembly, there's two things that have to occur and this is under 18.2-406. First, three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize serious public safety, peace, or order, and the assembly actually intends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, etcetera, etcetera.

So there's two components, lawful or unlawful use of force or violence and likely -- and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breach to public safety, peace, or order. Then the statute declares it is an unlawful assembly.

So we have a conundrum that you'll face when you -- the issue in this case is this. Was the superintendent correct in dictating that this was an unlawful assembly? I fully expect the

16

officers who I spoke with moments ago to testify that they declared of their own determination that the trespass should be declared, nothing to do with the superintendent's declaration of unlawful assembly. I suspect they know that there's not three or more persons.

There was an incident and you'll hear about that but essentially, if you look at brief chronology, and I generally hate doing chronologies because they're tedious, but generally speaking, the board doesn't like the clapping. They warned the crowd not do it again, so the crowd for the most part complies. Then Former Senator Dick Black gets up with a rousing speech and they can't help themselves and they clap. The clapping dies down.

The board determines that it is going into recess and they're terminating public comment. They didn't terminate the meeting, just public comment. So during this time, Jon Tigges stood up and said to the folks, look, we all came here to talk, so while they're in recess, why

AMERICAN OVERSIGHT
VA-22-0316-A-000162

17
don't each of you say what you wanted to say, take a minute and address the crowd since nobody's in the room, and they were still waiting for the board to resume on the dais.
During that time, a squabble breaks out. Somebody in the front row, a gentleman who was already -- his case has being adjudicated in the circuit court -- a leftist protestor came up to him and said that his daughter wasn't really molested in school. He --
MS. BIBERAJ: Objection, Judge. I don't mean to interrupt, but this has nothing to do with the proceedings before the Court. It's only intended at this point to prejudice the Court for some other unrelated matter and I would object and ask Counsel to stick to the issues of June 22nd, as they relate to Mr. Tigges.
MR. KACHOUROFF: My understanding was she opened the door when she said there was a risk of -- high level risk of agitation. If she's not going to bring that up and I'll stipulate then that we -- that's irrelevant to

18
the case by her proffer. I mean, that's up --
THE COURT: Well, I understand that she's saying the argument is not relevant.
MR. KACHOUROFF: Right. So I'm stipulating that that's not relevant.
THE COURT: (Indiscernible).
MR. KACHOUROFF: That makes her case more difficult to prove this unlawful assembly, so that -- I'll accept it as is, if that's what she wants.
THE COURT: Has he correctly recited your position on this?
MS. BIBERAJ: No, Judge. The point that I was making is what was the reason as to why that person that was unrelated to Mr. Tigges, as far as their interaction, was arrested and what may have happened or not happened was not before the -- is not before the Court on that issue, so what happened to Mr. Smith -- is the person that he's referring to -- is not an issue before the Court. That was the point that I was objecting to. Everything else, he's more than

19
welcome to continue.
MR. KACHOUROFF: I'm merely reciting facts to you, Judge, of what's transpiring, so if she -- they're going to raise this issue, and so I'm just going to briefly go over it and you can decide -- you, as the fact-finder and experienced judge can determine whether it's relevant or not relevant.
But essentially, one of the officers comes up behind the guy. They don't -- grabs him. He says, get off me. They all tackle him. In the meantime, Mr. Tigges is at the front and he says -- tells everybody just to wait, stand down until the police do their job. So the police remove this gentleman. There was no further incident.
They continue the public speaking. It goes on for another five minutes. Everybody's being orderly. There were some people singing "The Star-Spangled Banner" or the National Anthem, if you will, and then the superintendent comes on the scene and he says that this -- he's

20
declaring an unlawful assembly, at which point the sheriff's department then comes on board and says, y'all have to leave. You're being warned for trespass.
Sheriff's department is going to get up here and I expect them fully to testify in the same manner that they told me just moments ago, that they made their determination of trespass separate and independent of the unlawful assembly that was declared by the superintendent. So there's problems with that, of course. First of all, there was no unlawful assembly. Secondly, the sheriff's department doesn't have the authority to clear that room, a public meeting, unless there some reason to clear it, some reason that trumps the First Amendment, trumps the open meeting laws in Virginia.
So I would argue, Your Honor, that under the statutes that we have, 18.2-128, a trespass upon school property which is before you, Subsection A talks about people being there, that you're not allowed to be on the property,

AMERICAN OVERSIGHT
VA-22-0316-A-000163

21

other than to attend a meeting or service held or conducted in such church or school property. So they were there to attend the property, and Subsection B says, it shall be unlawful for any person, whether or not a church member or student, to enter upon or remain upon any church or school property in violation of any direction to vacate the property by a person authorized to give such direction.

The sheriff's department has no authorization to end the public meeting. Only the school board can. The public meeting hadn't end -- I want to just clarify that. That's what the issue is. The public comment period had ended. Based upon that, the Commonwealth cannot prove their case. It's not possible to show that there was an unlawful assembly. The school board just can't sua sponte of their own accord decide that they don't want to hear any more of the public or they don't want to face their constituents. They just can't. Their authority to terminate a meeting, well, we don't even get

22

to that question because the school board never did.

When the room was cleared, they then came back and conducted the meeting and I maintain in violation of the open meeting law, but the point is that's not what's before you. What's before you is whether the sheriff had the authority independent of the superintendent to clear the room for trespass, to clear a lawful and valid public assembly that was there for a public purpose, to lawfully clear them for -- and warn them for trespass and arrest those people on the board. They did not.

Thank you, Your Honor.

THE COURT: Okay. Thank you. The Commonwealth will call its first witness.

MS. BIBERAJ: Judge, our first witness will be Dr. Ziegler, please.

THE COURT: Dr. Ziegler, come forward to the witness stand, which is up here to your right. You were sworn earlier with the other witnesses. And have a seat and you will be asked

23

questions by the Commonwealth attorney first, and then the attorney for the Defendant may also have questions for you. Thank you.

THE WITNESS: Yes, sir. Thank you.

Whereupon,

DR. SCOTT ZIEGLER,

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF

BY MS. BIBERAJ:

Q. Good morning, Dr. Ziegler.

A. Good morning.

Q. Dr. Ziegler, can you state your full name for His Honor, please?

A. Sure. Dr. Scott Ziegler.

Q. And I'm going to direct your attention please to June 22nd of 2020.

Were you employed on that day?

A. Yes, I was.

Q. And what was your -- the capacity of your employment?

24

A. I was, on June 22nd, the interim superintendent of Loudoun County Public Schools.

Q. All right. And can you give the Court a little bit of information as to what does that mean in relationship to your position and authority with the Loudoun County Public Schools?

A. The superintendent is charged with the day-to-day operations of the school, and proposing budgets, overseeing instruction, overseeing operations. Basically, the superintendent is the CEO of the organization.

Q. Excellent. And on that particular day, could you tell the Court please around about the 6 o'clock hour, where were you?

A. I was in the boardroom.

Q. Okay. And prior to that time -- I want to just lay a little bit of the background -- was there a school board meeting already planned for on that day?

A. There was.

Q. All right. And did it come to your attention that this board meeting was going to be

AMERICAN OVERSIGHT

25

heavily attended?
A. Yes.
Q. And how did you come to learn that?
A. Intelligence provided by our security director and also shared with -- my understanding is with the Loudoun County Sheriff's office -- led us to believe that there would be a large number of people in attendance at that meeting. We also do sign-ups for public speaking and there was an unusually large number of individuals that signed up for public speaking.
Q. Do you know what the capacity is of that boardroom?
A. It is just under 700.
Q. Okay. And at some time, based on your observations from that evening, was it near capacity, at capacity, greater?
A. It was at capacity. We had -- as far as I could see -- nearly every chair was filled and there was individuals standing along the back wall. I believe the count at the door was 669 or thereabouts.

26

Q. Okay. The way that the board meetings are set up, can you just please describe for the Judge as to how the room is set up, as far as the dais and the public, where they sit relative to one another.
A. The dais is a curved desk-like structure. All nine members of the school board sit behind that I sit behind that as well. One school board member was attending via videoconferencing that evening. About 10 or 12 feet in front of the -- well, about six feet, there is a podium with a computer control on it, and another six feet beyond that is the first row of the gallery. And then staff sits up on -- generally on either side but staff has tables and desks on either side of the dais.
Q. Okay. The building wherein this meeting was held, is that owned by the Loudoun County Public School System?
A. It is.
Q. And can you tell the Judge, please, where is that located?

27

A. At 21,000 Education Court in Ashburn.
Q. All right. And is Ashburn in Loudoun County?
A. It is.
Q. While the meeting was taking place on the dais, there's some mention of counsel as far as what proper decorum is for those who attend those meetings.
Can you give the Court a little bit of information as to how audience is expected and directed to act when they attend such meetings?
A. It is designed to be a respectful venue, where the public -- during that portion of the meeting when the public is giving their comment, the chair often asks -- and it is posted both in the sign-ups and in the agenda -- about proper decorum for the school board. And so that means being respectful of other speakers, not doing things like booing or offering gestures to speakers with whom you agree or disagree, and basically the chair would ask for the room to be generally quiet and respectful of speakers.

28

Q. Okay. And is that done so that each person who is speaking can have their time to speak and be heard?
A. That's correct, yes.
Q. On this particular evening, did something happen from the start of the meeting into the meeting that caused you to be concerned or have concerns as to the behavior that was being conducted during the meeting?
A. Yes, ma'am. One, it was a large crowd, so I was concerned about -- if there was an emergency -- about people being able to get out of the room expeditiously if we had to evacuate but there was also several instances where the crowd would get loud and disrespectful to speakers.
There was a lot of booing. There was a lot of finger-pointing. There was shouting from the gallery during several public speakers' comments either before or afterwards. I saw people that were raising fists, that were giving the finger. All of these things were occurring early in the meeting on a regular basis and got to the point

AMERICAN OVERSIGHT

29

where it was so rancorous that the board chair declared a brief recess.

Q. Okay. So now I want to go a little bit back into your personal background.

What about having seen that type of behavior caused you to be concerned, you said, for the safety of the attendees? What did you base that on? Do you have any training or experience in being able to assess incidences such as that?

A. I do, yes.

Q. Can you tell the Court, please, based on your background, what would that be?

A. From 1984 to 2003, I served as a police chaplain with the City of Virginia Beach, logged over -- well over 10,000 hours of service with the city police department during that time.

One of the main duties of a chaplain at that time was to assist with patrol during the summer months at the Virginia Beach resort area, which was particularly an area called The Block, which was often crowded, a number of bars on that street, and so we were trained to read crowds and

30

to intervene when necessary. And we would also form a protective shield around police officers when they were conducting arrests and hold the crowd back at bay, while arrests were being conducted.

Q. What did you obtain in your training to be identifiers to suggest to you that risk is being challenged, that you then saw during this board hearing?

A. So we were trained to evaluate voice tone. We were trained to evaluate body language, stances, posturing, body position. All of these things were -- we were told to be on the lookout for the crowd and to de-escalate when possible but to bring in police intervention whenever needed.

Q. Okay. And you said as far as to de-escalate. What forms of de-escalation were you trained that you can employ when the situation is starting to get, in my words, hot?

A. We would try separating individuals. We would try personal interaction. As a chaplain, of course, we're there not in an enforcement role,

31

but we're there to help with community relations, so often time, we would talk with individuals and try to de-escalate, try to get them to commit to a different course of action.

Q. Okay. From the consummate from the dais, what efforts were made by the chair of the school board to -- in essence to try to intervene or interact with the public to de-escalate the situation?

A. So in addition to the recess that was taken in order to, I believe, give the -- those attending time to return to a calmer state, she also gave several admonitions to maintain the decorum of the boardroom. She reminded those in attendance several times that it was the board's desire to hear all of the speakers and that, if decorum was not made -- was not maintained, that they would be unable to do that.

And then after a few warnings, when the crowd became loud, she said this is the final warning. I believe she said again that she wanted to hear all of the attendees, and then moved on.

32

Q. Okay. I'm going to go back a little bit to before the hearing took place in and of itself.

Did you have the opportunity to observe outside the school entrance, like the parking lot areas?

A. I did not, not directly, no.

Q. Okay. When you say not directly, did you become aware that there were individuals who had gathered outside the school board meeting?

A. Yes, there were. There were several groups that had gathered. We had designated a public assembly area for that night and there was several groups that had assembled in that public assembly area.

Q. All right. And that was done by the choice of the school board?

A. Yes.

Q. At any point in time prior to the meeting or while the meeting was going on, before it was terminated, was that space still made available to anyone wanting to assemble publicly and make comment there?

AMERICAN OVERSIGHT
VA-22-0316-A-000166

33

A. Outside? Yes, ma'am.
Q. Yes. Okay. Now I'm going to bring you back inside. You indicated once the chair made the final warning and indicated that she wished to hear from all the protestors; however, they needed to conform with the expectations of the decorum of the board.
What then happened?
A. Many speakers continued. We had 256, I believe, speakers signed up for that night. And after the recess, which lasted about ten minutes, the board returned and public comment continued. The board chair issued that final warning and, for many speakers, those in attendance complied with the board chair's wishes to maintain decorum.
As counsel pointed out that the expectation in the boardroom is to use jazz hands. There were many people expressing support for individuals by using jazz hands. There was individuals holding up signs, but for a period of time for a number of speakers, the boardroom seemed to have settled down.

34

Q. Okay. You indicated at some point that the behavior expectations are in writing and on notice to the general public. You mentioned that it was on the public notice as far as the hearing.
A. Mm-hmm.
Q. Right? Is it also in any other policy or any other written mandates from the board?
A. It is. It appears on the agendas. The board chair reads it, reads the expectation before the beginning of every public comment period, and it's also in board policy.
Q. Okay. You indicated for the most part, soon after the last warning, things calmed down a bit.
Did things change after a while?
A. They did.
Q. And I'm going to ask you a question if I may. Where were you as you observed these changes?
A. I was sitting at dais.
Q. Okay. So you were actually physically in the room.

35

A. Yes.
Q. Can you tell the Court by using your senses, not just what you saw but also maybe the motions and things of that nature that you saw changing within the boardroom that caused you to be concerned for safety.
A. Yes. So when -- right before the board recessed for the second time, a speaker, Mr. Black, came up to the podium. It appeared to me as if many in the room were waiting for Mr. Black's speech. I have no way to confirm that, of course, but it appeared to me that they were waiting.
As Mr. Black's time expired, the board chair muted his microphone. He did not immediately relinquish the podium. He began yelling and at that time, the crowd stood up and began cheering, began moving about the room. I saw hands and arms in the air. Of course, I was concerned because with that kind of movement, even a jubilant movement with that many people in the room, it does become a safety concern.

36

Q. Okay. And in particular, you said even if it's a jubilant movement.
Would it be fair to say that there were individuals attending that meeting from a side in support of the comments that Mr. Black was making as there may be those in -- that were contrary to his position?
A. There was, yes.
Q. All right. Did you see any interaction between such individuals that you made that perception that caused you to be concerned about the safety?
A. Yes. Very early on, both groups were vocal. When a speaker would speak to a position of which they were in favor, oftentimes, especially early in the meeting, we would hear shouting, and we would see the finger being raised. We could hear cursing and chastisement, I guess, we would describe it as.
In particular, there was a comment made by a speaker on one side that mentioned something about religion. Those in the crowd did not appear to

AMERICAN OVERSIGHT
VA-22-0316-A-000167

37

like that comment and became very vocal and -- in their opposition to that comment. At that point, I believe one gentleman who was sitting on the side of the room that I was on was raising his finger often and shouting, and he was asked to leave by staff. He did comply and left the boardroom because of the disruption he was causing there.

There was also, I mean, just telling people -- when one young man spoke about his personal experience, I heard the crowd tell him, we don't want you here anyway. The young man was talking about a suicide attempt or suicidal ideation, and I heard members of the crowd tell him that he wasn't wanted there. So the comments from the crowd caused me to believe that individuals may not have been in the majority that night felt unsafe.

Q. Did you have any concerns regarding the safety of any of the board members based on the responses and reaction of the attendees?

A. I did. There was several people in the

38

crowd that were voicing their opinions and their actions directly toward the board members. I recall one gentleman that was sitting in the front row that, when somebody would speak and he -- I guess he agreed with their position -- he would stand up and try to take a stance -- what we would call a posturing stance, I guess, directly facing the board members and he would just stare at the individual board members for several seconds.

Q. Okay. And why did that cause you to be concerned?

A. It's an unusual thing to do, right? So the way he would jump up, kind of lean in toward the board, and just hold their gaze until they turned around or until the speaker started, I felt he was doing that in an attempt to intimidate the board.

Q. Okay. With the repeated warnings made by the chair from the dais, did there come a point in time where it appeared to you that the meeting should -- the public comment meeting should -- I'm sorry -- public comment portion of the meeting

39

should be terminated?

A. Yes.

Q. Okay. And when was that?

A. That was immediately following Mr. Black's comments to the board.

Q. Okay. Now if I could ask you to bring us into that moment. I know you spoke a little bit about how some people maybe felt -- it appeared like they were waiting for him to have spoken and there was a response to that.

From where you were situated in that meeting, and if you were to look across the attendees, tell the Court, please, what did you see that caused you to now be concerned at a heightened level.

A. Just it appeared -- since it appeared to me that they were waiting for that moment, at that point, it just seemed like they were not going to come back under the decorum of the boardroom. So they began shouting. I did notice members of the gallery who did not agree with Mr. Black's position.

When the crowd jumped up, several gallery

40

members left. I saw several parents with children take their children out of the boardroom, so it just seemed like those who felt unsafe were trying to rush out and those who interested in disrupting the meeting just seemed to escalate and stay there.

Q. You also indicated that now there was also some movement within the boardroom. Is that consistent or inconsistent with prior behaviors within a board hearing?

A. Very inconsistent.

Q. Okay.

A. And this was -- 30 years in education, this was the first board meeting I've seen with this level of disruption.

Q. All right. And when you're having that mobility also take place, what does that do to your sense of assessment as far as safety within the boardroom?

A. So it's heightened for me because I have -- as in charge of operations of the school division, it worries me for the safety of those in

AMERICAN OVERSIGHT
VA-22-0316-A-000168

41

attendance, right, because we have to be have to be able to evacuate the room. We have to be able to deal with emergencies. We have to keep the aisles clear.

These are all things that are expected in a public venue, no matter if you go to a football game or you come to a board meeting, these kind of things are safety-related no matter where you go, whatever kind of meeting you're attending.

Q. Okay.

A. And so I was -- I became exceedingly concerned that attention would be directed to either speakers who had previously spoken or people who were holding signs that were not in the majority opinion of the room. I became concerned for their safety, that if decorum is not resumed, that attention may turn to those individuals.

Q. All right. What, if any, action did you take relative to that assessment?

A. I'm sorry?

Q. What action, if any, did you take relative to that assessment, when you started

42

noticing that things -- as you said, you became exceedingly concerned?

A. So at that time -- at the same time shortly after Mr. Black finished his comments and the boardroom erupted, the vice chairman motioned to move the agenda and suspend or end the public comment. The chair called for a vote, and that vote passed unanimously, nine to zero, to move the agenda.

Q. Okay. Then what happened?

A. Then the crowd directed their attention to the board. They began -- there was some booing and jeering. There was shouting of things like you suck and F you, things like that. There was a lot of pointing and gesturing toward the board, middle fingers raised.

And then probably within 15 seconds of the motion being passed, the board evacuated the room and security, both school security officers and members of the Loudoun County Sheriff's office came to the front of the room, along with other administrative staff of the school division.

43

Q. Okay. From the dais, was there any statement made that since the public comment had been terminated, that people needed to leave?

A. There was after some time. The board evacuated to the back room. Initially, I left the room with the board members, and then probably after about five or ten minutes, I returned to the boardroom.

Q. All right. And upon your return, what did you then see regarding the attendees within the room?

A. I saw that they were kind of clustered around the center of the room. Well, there were many clustered around the center of the room, the center, front of the room. There was others kind of milling about. There was people standing on chairs. Chairs had been moved and were in a disarray. People were still shouting at one another.

There was a lot of press there, so some people were shouting toward the press. Some people were just shouting -- just in general, back

44

toward the school board. Somebody had brought in a voice amplification device at some point, and there was individuals, I guess, trying to organize their own version of public comment.

Q. Okay. What does this observation do to you as far as your assessment regarding the safety of the attendees?

A. So at that point, it became clear to me that we were not going to be able to restore order in the room, that these individuals were going to continue standing on chairs, that they were going to voice opposition to things that were on the agenda that night, but also that it wasn't going to be safe in the room for those who disagreed with their opinion. Basically, individuals had taken over the boardroom and it was very reminiscent to me of January 6th.

Q. Okay. As you're observing this, what do you then do?

A. So I conferred with Loudoun County Sheriff's office. Major McDonald was the senior officer on the scene. We talked about whether the

AMERICAN OVERSIGHT

45

room needed to be cleared. He agreed that it needed to be cleared but asked for him to be able to get additional law enforcement elements on site, so we waited approximately 20 minutes and then I, from the dais, after conferring with Major McDonald made an announcement to clear the boardroom.

Q. Okay. So now let's talk about that 20 minutes while you were waiting.

Did things start to calm down?

A. Not at all, no.

Q. Okay. How would you describe that 20-minute block as to what impact it made to your decision to ultimately announce that the boardroom was going to be closed?

A. So it appeared chaotic to me. People were standing on chairs. The voice amplification device made it impossible for us to communicate with those who were still in attendance. People were still trying to get out. Others were trying to come in. Chairs were disarrayed all across the boardroom, so to me, it was just chaotic. That's

46

really the best word to describe it.

Q. Okay. At the point that you choose to make an announcement, what announcement do you make?

A. I said that it was -- I declared that it was unlawful assembly and I warned those in attendance that if they refused to vacate the room, they may be arrested for trespassing.

Q. Okay. So now let's talk about your terminology of unlawful assembly.

Was that a legal determination you were making?

A. It was not.

Q. Okay. And the point that you wanted to communicate to the attendees was what relative to that statement?

A. The point that I was trying to get across was it was time to leave the boardroom and that if you refuse to leave the boardroom, you may be subject to charges of trespassing.

Q. Okay. How did you communicate that because you indicated that the room was pretty

47

loud and it was hard to hear. How did you communicate that so that it could be heard by those in attendance?

A. I used a dais microphone.

Q. Okay. And in response or after you made that statement, what, if any, action did you see being taken by the attendees?

A. A few, very few, moved toward the exits. The sheriff's office came in from a rear door in the auditorium to the left and they began taking individuals -- asking individuals who were on the periphery of the main group to leave the boardroom. Some complied. Some directly argued with the deputies who were in attendance.

Q. Did you hear additional requests made for people to leave?

A. Yes. I made the request at least four times.

Q. Okay. On that particular evening on June 22nd of 2021, did you have the occasion to see Mr. Jon Tigges?

A. I did.

48

Q. All right. Do you see him the courtroom today?

A. I do.

Q. Can you please --

MR. KACHOUROFF: I stipulate this is Jon Tigges.

MS. BIBERAJ: Thank you.

Q. Can you please identify him for His Honor? Are you able to identify him with an item of clothing or some identification, please?

MR. KACHOUROFF: I just stipulated, Judge, this is Jon Tigges.

MS. BIBERAJ: And I would appreciate if they allowed me to try my case but thank you.

MR. KACHOUROFF: (Indiscernible).

Q. Can you do that, please?

A. The gentleman sitting in the middle of the defense table.

THE COURT: All right. That's noted. He's pointing to the Defendant at counsel table. Counsel for the Defendant has also stipulated that that's who it is.

AMERICAN OVERSIGHT
VA-22-0316-A-000170

49

Q. On that particular day, as he's dressed here today, he wasn't dressed the same way that day, was he?

A. I believe he had on jeans and a t-shirt but I don't recall.

Q. Okay. And can you tell the Court, please, what observations did you make of his behavior on June 22nd?

A. I recall Mr. Tigges was sit in the -- seated in the front row, kind of toward the center of the room. Mr. Tigges was a participant in the meeting. His behavior was not notable until after the order to leave the room and the trespass order was granted -- or the trespass warning was granted.

Q. How did his behavior change that he then became of note to you?

A. He became very agitated. He was one of the -- I don't know if he brought in the voice amplification device, but he was one of the individuals that seemed to have control of the voice amplification device to me.

50

He was very loudly stating that he had a right to be there, that he was -- that those assembled had a right to address the board and to say what they had to say, and that he wasn't going to leave until he had his chance to say what he needed to say, or something along that line.

Q. At any point in time, did you have direct contact with him?

A. I did not.

Q. So you're seeing this from a distance.

A. I did, yes.

Q. What, then, do you see of Mr. Tigges?

A. So as the room was cleared and the crowd became less and less, those remaining were centered around Mr. Tigges -- I'm sorry -- Tigges -- I'll try to pronounce it correctly -- around Mr. Tigges.

And as the deputies began to concentrate their effort on that center group that had the most individuals remaining, Mr. Tigges began to directly challenge the deputies who were approaching him. The only interaction that we

51

would have had and it was indirect is at one point, I recall Mr. Tigges saying something to deputies, are you going to side with the people are going to side with that thing, and he pointed at me at the dais with kind of an aggressive gesture.

Q. Okay. Then what is the next thing you saw or heard?

A. There was probably four deputies that were around Mr. Tigges. The deputies took control of the voice amplification device. Mr. Tigges was blocking deputies from coming into his space. At one point, I observed a police deputy sergeant ask Mr. Tigges if he was going to leave the premises. Mr. Tigges loudly said he was not going to leave, and the sergeant ordered the deputies to place Mr. Tigges under arrest.

Q. Okay. At any point of time thereafter, did you see Mr. Tigges?

A. I did not.

Q. Once he was -- prior to his being removed, was there any other incident that

52

occurred in the boardroom that was a -- of concern regarding safety to you?

A. There was two. There was a scuffle, a fight, that broke out that I did not observe but my security personnel brought that word of that fight back to me that an individual had been arrested.

MR. KACHOUROFF: Your Honor, I would object. This is hearsay.

THE COURT: I think he can testify that he received notice of that, but the particulars would not be admitted into evidence.

MR. KACHOUROFF: Thank you, Your Honor.

MS. BIBERAJ: Okay.

A. It was also brought to my attention that during the chaotic time of the -- when the board was in recess, that a woman was attempting to exit and became hurt on her attempt to exit, and that she required medical care which was delivered by EMS.

Q. Okay. Now while you were in the room, did you see another incident where law enforcement

AMERICAN OVERSIGHT

53

had to arrest somebody for their refusal to leave?
A. I did not.
Q. Okay. Dr. Ziegler, I have no further questions at this moment, if you wouldn't mind answering any questions that Counsel may have. Thank you.
A. Sure.
THE COURT: Cross-examination?
MR. KACHOUROFF: Thank you, Your Honor.
CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Good morning, Dr. Ziegler.
A. Good morning.
Q. So this reminded you of January the 6th?
A. It did, yes.
Q. Were there people that were burning chairs inside the room?
A. No, but there were people who were moving chairs, aggressively, yeah.
Q. Okay. So you didn't see anybody -- like they were in Portland, burning chairs inside of a boardroom.

54

A. In Portland?
Q. Portland, Oregon.
A. Yes, I'm aware of where Portland is. I'm not sure what that has to do with January 6th, but, no, I didn't see anybody burning chairs.
Q. Where the -- what you observed, you described great chaos.
A. Yes.
Q. It was a great chaos like the Antifa riots we've all seen on TV, where they burned down buildings. They barricaded courthouses, or was this a crowd that was showing applause to the speakers they supported?
A. They were showing applause to the speakers they supported, but they were also showing aggression and animosity towards speakers that they did not support.
Q. On that note, you mentioned about somebody had mentioned something about Christians and that the crowd booed her.
Would you agree, sir, that the woman said that all these fake Christians who don't believe in Jesus, such hatred-filled in the room, was that woman talking about the policy or was she directing that towards the crowd?
A. She was likely directing that toward the crowd.
Q. And did the chair do anything to stop her?
A. The chair -- I don't know if she addressed that individual directly. She called a recess during that individual's comments.
Q. And after the recess was over, did she not say, Kelly, referring to the individual, you can resume your speech and added 40 seconds to her time?
A. She did.
Q. And did that person not then repeat, as I was saying before, she said -- did she not repeat that her comment that that room was filled with hate?
A. I believe she did but I didn't review her comments (indiscernible).
Q. And she was only the third speaker,

55

56

wasn't she?
A. She was toward the beginning. I wasn't counting but toward the beginning.
Q. And so at that point, the crowd -- when the second time that she spoke, the crowd quieted down. Is that fair to say?
A. I honestly don't recall.
Q. Because the crowd wanted to -- there were people, members of the public, wanted to speak and they didn't want the dais to shut everything down. Is that correct?
A. That's correct, yes.
Q. Now, you talked about proper decorum. There's nowhere in school board policy that says you have to use these jazz hands thingamajiggers. I mean, you can just go ahead and clap. There's nothing in the board policy that says that you can't clap.
A. No, there's not.
Q. And so, yet, the dais decided that it didn't like the clapping. Is that right?
A. I wouldn't know what the dais

AMERICAN OVERSIGHT
VA-22-0316-A-000172

57

particularly was objecting to. They were objecting, I guess, to the noise level. The clapping, and the shouting, I think would be included in that, not just the clapping.

Q. And you mentioned you saw people standing and it had you concerned.

Did the board not say to use your hands, stand up and show signs to show you -- and not clap? Isn't that something they admonished the crowd?

A. I don't know if they -- if she said stand up. She definitely said use your jazz hands is what it's referred to in the boardroom.

Q. In fact, she said, use signs. Hold your signs up.

A. Mm-hmm.

Q. And you don't recall her saying stand.

A. I don't, no.

Q. So the best evidence of that would probably be the video that we have of the entire incident. Is that correct?

MS. BIBERAJ: Objection, Your Honor.

58

That would be for the Court to determine, what best evidence is here.

THE COURT: That's sustained.

Q. Yeah. You would agree that a video of the event would be -- it could show the entire event accurately and truthfully. You agree that that video would be the best depiction of what happened at that -- on that night.

A. Yes.

Q. And you said that you were a police chaplain --

A. Yes.

Q. -- in Virginia Beach for 20 years.

A. For eight.

Q. Eight years.

A. Yes, '94 to 2003.

Q. Oh, '94. I thought you said '84 to 2003. Okay.

A. I'm not quite that old, Counsel.

Q. So were you sworn law enforcement?

A. No.

Q. And what -- was that your main job?

59

That was what you were supposed to do?

A. No, that was a volunteer position.

Q. A volunteer position. And so as a volunteer, they had you out in crowd control?

A. They did. From '94 to 2008, we received full weapons training and full defensive tactics training. Until '96 or '97, we carried weapons.

Q. And so you said -- so you were -- you'd gone to the police academy?

A. No, we had a designated academy for chaplains.

Q. Okay. You were analogizing the crowd that was there that night to the crowds that come from bars where people had been drinking on the strip in Virginia Beach.

A. Yes.

Q. And so as far as you know, there was no liquor being served at this meeting.

A. There was not.

Q. You say you were trained to read crowds.

A. Yes.

Q. What kind of training do you have to

60

read crowds?

A. Again, I would point to my police chaplain training that goes back to the early 90s. So you're trained to look at a crowd and to try and ascertain what's going to happen next, to try to predict what's going to happen next.

Q. So do they tell you that when you see a an individual furrowing his brow at you, that that's a danger sign?

A. That would be considered a sign of -- or could be considered a sign of aggression. You would certainly pay additional attention to somebody whose body language was posturing towards you.

Q. And you needed to be taught that to know what that meant?

A. I mean, no, I would know it instinctually but you asked specifically what my training was.

Q. As part of your training, you talked about de-escalation, that you try to talk to individuals to try to de-escalate. Fair enough?

AMERICAN OVERSIGHT

61

A. Fair enough, yes.
Q. At no time did you ever announce from the dais or by the microphone which you had control of, your voice amplification device on the board -- at no time did you ever tell the crowd to -- listen, I'm going to declare an unlawful assembly. I'm going to warn you for trespass if you don't settle down.
A. The warning was the trespass notice, yes.
Q. So you did not at any time tell them to settle down or you were going to have to clear the room for trespassing.
A. No, the chair was -- had done that several times.
Q. I'm not asking about the chair. I'm asking about you.
A. No, I did not. I said no. Yeah. No, I did not.
Q. So you did not use your training to de-escalate that situation?
A. I did not try to de-escalate that

62

situation, no.
Q. You claimed that there was a public assembly area outside, a public comment area.
A. A public assembly area, not a public comment area.
Q. So what was the public supposed to do outside?
A. That was a place for them to gather --
Q. To do what?
A. -- designated for protests, designated to gather, I mean.
Q. And you didn't announce that from the dais microphone, that there was a public comment outside that they could -- or a public area where they could assemble outside, did you?
A. No.
Q. That wasn't something the board had planned in advance and had noticed for the meeting, had it?
A. We designate -- whenever we anticipate a large crowd, we designate an area of the parking lot as the public assembly area.

63

Q. You were talking about the school board policy for decorum, right?
A. Yes.
Q. And decorum is contained in School Board Policy 2050, is it not?
A. That's correct.
Q. And 2050 doesn't mention anything about applause.
A. It does not.
Q. You said you were concerned for the safety of the board.
A. Yes.
Q. And you were concerned about voicing opinions towards the board meeting -- the board members, rather.
A. That's correct.
Q. You understand that this is a political meeting, right?
A. Yes.
Q. And that the crowd that is there are constituents of the board.
A. Yes.

64

Q. The board is elected.
A. Yes.
Q. These are elected officials.
A. Yes.
Q. You claim that immediately following Mr. Black's discussion, that the board erupted.
It erupted with applause or it didn't erupt with violence, did it?
A. Applause, and cheering, and as I said, standing up.
Q. And at some point, the applause and cheering ends, correct?
A. Yes.
Q. And the board then at that point decides that it's going to now terminate public comment.
A. That's correct.
Q. At that -- when they terminated public comment, it was audible for the room to hear.
A. Yes.
Q. Because nobody was applauding or clapping at that point.
A. Not at that point, no.

AMERICAN OVERSIGHT
VA-22-0316-A-000174

65

Q. They were listening to what the board had to say.
A. Yes.
Q. So you left the room with the board members. For about five minutes, you were with the board members.
A. Yes.
Q. Did they tell you to declare an unlawful assembly?
A. They did not.
Q. What did they tell you?
A. They didn't tell me anything. They asked what was going on out in the room and they were conversing amongst themselves.
Q. And what did you tell them about what was going on in the room?
A. I told them that it seemed to be out of control, that people were -- as I described earlier.
Q. There was nobody jumping all over the dais, and when I say the dais, that's the bench where all the board members were, right?

66

A. That's correct.
Q. There was no member of the public sitting in the chair, spitting on their chairs.
A. No.
Q. So you gave -- you conferred with the Loudoun County Sheriff's office and you told them that the room needed to be cleared.
A. No. I asked them, do we need to clear the room? We had a conversation and I didn't say the room needed to be cleared. I'm not in a position to direct the actions of the sheriff's office.
Q. So you --
A. We had a conversation.
Q. Let me understand this. You declare an unlawful assembly and you don't tell the sheriff's office to clear the room.
A. I conferred with members of the sheriff's office before I made that announcement.
Q. Did you order them to clear the room?
A. Order who?
Q. The sheriff's office.

67

A. I did not.
Q. Did you ask them to clear the room?
A. In cooperation, the sheriff's office and I had a conversation with the ranking member of the department that was there and we had a conversation, is it time to clear the room? We agreed it was time to clear the room, and Major McDonald gave me the go-ahead to make the announcement.
Q. So the sheriff's office was directing you to make the announcement?
A. Again, we made it cooperatively after assessing the situation.
Q. So you said go ahead and clear the room?
A. I'm sorry?
Q. You said to go ahead and clear the room?
A. No. Major McDonald said go ahead and make the announcement.
Q. You're a superintendent of a public school system, are you not?
A. I am.
Q. And as the interim superintendent of the

68

public school system, you've got school resource officers, police officers that are on campus, do you not?
A. There are resource officers on campus, but they're members of the Loudoun County Sheriff's office.
Q. Right. And so they are there to restore order when they see crimes occurring.
A. That's correct.
Q. And you believe that there was trespass going on in this room when you decided to clear it. You decided they -- people didn't have a right to be there anymore.
A. That's correct.
Q. The board didn't do that. You did.
A. That's correct.
Q. You said that the unlawful assembly was not a legal determination.
A. That's correct.
Q. Did you do that when you talked to the Commonwealth's attorney? Did you talk about that issue?

AMERICAN OVERSIGHT

69

A. No. Upon reflection, we did an after action debrief with my staff and we agreed that, after reviewing the code that counsel cited at the beginning of the trial, that my words were incorrect. They were given in the heat of the moment in a desire to clear the room and keep the public safe.

Q. And you said that there was a bunch of people in there.

They were also giving their own form of public comment, right?

A. Some of them were, yes.

Q. With a voice amplification device, correct?

A. Correct.

Q. And the reason they were using their own voice amplification device -- we'll call it a microphone -- is that y'all had shut off the microphones at the podiums.

A. We did.

Q. And you at that time didn't want to hear any more public comment.

70

A. I'm not in charge of public comment, sir.

Q. But you're in charge of apparently the board meeting, right, whether it continues or whether it's open to the public?

A. I'm in charge with the operations of the school building administration and with the school administration building, yes.

Q. That's a school boardroom.

A. Yes, it is.

Q. You don't have authority to clear out the school board, do you?

A. I believe I do, yes.

Q. So you --

A. Oh, I'm sorry, the school board or the school boardroom? No, I don't have the authority to direct the school board.

Q. Because in a school board meeting, they're in charge, aren't they?

A. That's correct.

Q. I'm going -- and finally, let's just talk about -- you said a majority of the crowd

71

left when you gave the announcement.

A. I don't believe I said a majority. I believe I said some members of the crowd left.

Q. Well, out of 669 people that tabbed into that room, that was -- I think that was your number that you gave.

A. Yes.

Q. Tell me, about how many of the people remained?

A. After the order was given, I would say above 300 initially.

Q. So a significant portion left the room initially.

A. Yes.

Q. And then after that initial portion, how many more people left the room?

A. They trickled out gradually as the sheriff's department made rounds around the room and asked people to leave.

Q. And so people were compliant.

A. Some were compliant and some were argumentative.

72

Q. You said you have 30 years in education. What is your 30 years in education, doing what?

A. I spent 17 years as a classroom teacher, several years as a school-based administrator, several years as an investigator for the department of human resources, and then a chief human resources officer in two divisions, and now I'm superintendent.

Q. Does the school board have an entire complete copy of the video unredacted?

A. They have an entire and complete copy of the video while the session was in session. There was no recording during the recess.

Q. And why would -- why did not -- they did not record -- why didn't they record during the recess?

A. It's normal process to go to a blank screen when the board is in recess. That happens at every meeting.

Q. So the recorder doesn't continue?

A. No.

Q. Somebody has to physically flip the

AMERICAN OVERSIGHT

73

switch to stop it from recording.
A. Yes. When the board goes into recess, the board clerk hits a button that stops the recording and puts up a screensaver type thing that says -- I mean, it's a preprinted message. It says the board is in recess and the meeting will resume shortly.
Q. If Mr. Tigges had a right to be there and to speak, you understand why he was agitated, correct?
MS. BIBERAJ: Objection, Your Honor. Calls for speculation as to why he was agitated.
MR. KACHOUROFF: He's the one who raised that. I mean, she opened the door when she asked the question. He mentioned he was agitated.
MS. BIBERAJ: No, he was asking whether or not he knows why Mr. Tigges was agitated. That calls for speculation.
MR. KACHOUROFF: I didn't ask him why. I said -- I gave him a reason why. If Mr. Tigges had a First Amendment right to speak -- you don't need to be looking at her. Look at me. If he had

74

a right to speak --
THE COURT: He can look at her if he wants to. The instructions don't come from you.
MR. KACHOUROFF: Your Honor, I don't have a problem with what you're saying. I just don't want him getting cues from the attorney about how to answer a question. That's why I said that.
MS. BIBERAJ: If that allegation, Judge, is going to be made, I think counsel should have facts as to what cues I am giving. My objection will go back to the what the issue is before Your Honor.
The objection is that he asked the witness, Dr. Ziegler as to whether or not Mr. Tigges had a right to be agitated. That calls for speculation. He can't speak to the mind or mindset of Mr. Tigges. That's my objection.
THE COURT: I think the question is argumentative, and I'm going to sustain the objection.
MR. KACHOUROFF: As to argumentative.

75

THE COURT: Yeah. You asked him about the -- being agitated and essentially asked him why he was agitated.
Q. A person who has a right to speak would be agitated if they were told to leave. Fair enough?
MS. BIBERAJ: Objection. Yet, again, Judge, it asks for speculation. Somebody may have the right to speak and say, okay, fine, not -- today is not the time and then respectfully walk out. He can't speak to what anybody's perception or their response --
THE COURT: (Inaudible) she's right about that. You can argue --
MR. KACHOUROFF: Yeah. And, Judge, it's --
THE COURT: -- someone who's -- thinks they have a right to be there may be agitated they're asked to leave, but I don't know that he can answer for everybody who was there, whether they were agitated or not, including Mr. Tigges.
MR. KACHOUROFF: And I apologize for

76

this, Judge, but, again, I didn't open this door. This was -- all of her questioning was about agitation. He mentioned it numerous times, so I think it's fair game on cross. If he -- the Court doesn't, I respect that.
THE COURT: Okay. Well, you've got my ruling. My ruling is --
MR. KACHOUROFF: Thank you, Your Honor.
THE COURT: -- that it's sustained. The objection is sustained.
MR. KACHOUROFF: I have nothing further.
THE COURT: Thank you. Redirect?
MS. BIBERAJ: I have no redirect of this witness. Thank you, Doctor.
THE COURT: All right. You may step down. Is this witness being deferred or do you want the witness to wait out in the hall?
MS. BIBERAJ: Judge, I believe there is rule on witnesses, so, yes, please.
THE COURT: All right. You need to go outside. Do not discuss this case outside of the courtroom. Do not discuss this case while you're

AMERICAN OVERSIGHT
VA-22-0316-A-000177

77

waiting. You may be recalled as a witness.
THE WITNESS: Yes, sir.
THE COURT: Thank you. Next witness for the Commonwealth?
MS. BIBERAJ: We would ask for Major McDonald.
THE COURT: Major McDonald?
THE COURT OFFICER: Yes, sir.
MS. BIBERAJ: Thank you.
THE COURT: Major McDonald, come forward to the witness stand. You were sworn earlier with the other witnesses. You've been called as a witness for the Commonwealth who will question you first, and then the attorney for the Defendant may also question you. Thank you.
THE WITNESS: Thank you, Your Honor.
Whereupon,
EASTON L. MCDONALD,
being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:
EXAMINATION BY COUNSEL FOR THE PLAINTIFF

78

BY MS. BIBERAJ:
Q. Good morning.
A. Good morning.
Q. Major McDonald, can you please introduce yourself to His Honor?
A. I am Major McDonald, Easton McDonald, with the sheriff's office for 20 years.
Q. I'm going to ask you some questions relative to the June 22, 2021, incident at Loudoun County Public Schools. Before I get there, I just want to ask you some background questions, please.
A. Sure.
Q. Can you let the Judge know how long have you been in law enforcement?
A. I've been in law enforcement 24 years, the last 20 with Loudoun County. I oversee the school resource officers and the traffic section. I've trained at the academy, community policing. I have worked patrol, midnights, just about every section in the agency. And before that, I worked corrections.
Q. Okay. Within each of those

79

responsibilities and I'm going to name three specifically, corrections --
A. Yeah.
Q. -- and that's over at the jail, right?
A. That is correct. I didn't work for Loudoun. I worked for Arlington County Sheriff's office.
Q. Okay. And then as far as when you were talking about, like, street patrol, and then with the school resource officers. Do each of those have additional training regarding crowd control and assessment for safety in the community?
A. Yes.
Q. Okay. Can you tell the Court, please, and if you want to specify in each of those responsibilities where you may have learned this, you're welcome to, otherwise, I'm asking a global question. In assessing crowd control or safety within the community, what are some of the things that you look for?
A. So if you're looking as far as crowd control is concerned, you want to be able to

80

communicate with the individuals that are there, why a person is there, access to doors, emergency access, medical emergencies, if I need to clear a room quickly, which is there enough exits for them to get in and out, things of that nature, how many children are in the room, different things like that. If it's in regards to the community, it can deal with all kinds of things from assessments of security to homes, shrubs, bushes, lighting, etcetera.
Q. Okay. And that's on a physical assessment, right?
A. Yeah.
Q. When you add the human component, what do you then look for to see how that might change or impact your decision as to whether this is a safety concern?
A. Safety issues, body language. People with balled fists, not following rules, maybe if everyone is sitting down and someone is standing, maybe if someone is moving closer to a particular person, just the -- not willing to listen to you

AMERICAN OVERSIGHT

81

or not hearing a conversation, voice, tone, things of that nature.

Q. Okay. Now we're going to go to the June 22nd incident. You were -- were you there -- I'm sorry.

What time of day were you at -- over by the Loudoun County Public School building?

A. I probably got there as early as -- if it started before -- I want to say it might have start -- well, I don't remember the time exactly that the meeting started, but I was there probably about two hours before the meeting started.

Q. Okay. And when you were there before, did you come in through the general parking lot?

A. Through the which parking lot?

Q. General parking lot.

A. Oh, yeah, yeah.

Q. The public parking.

A. I parked in the rear of the building, came through the general parking lot, and then parked in the rear of the building.

Q. Okay. As you're walking into the

82

building, did you see any assembling of individuals out in the parking lot?

A. Yeah. There were people assembled outside.

Q. Can you tell the Court, please, at your initial observations about two hours before the meeting, about what the crowds looked like in number?

A. So out of all the school board meetings, generally, there isn't a crowd. There isn't anybody outside generally for school board meetings, but there had been crowds building over School Policy 8040 and there was a lot of talk about -- I think it was critical race theory protestors and they was also protesting Loudoun County Public Schools' removal of a teacher and some other stuff that were taking place outside. And then there were components pro and then there were components against on both sides. Some had tents. They had banners outside of that building on that particular day, so we had expected a large number.

83

Q. Okay. And with that expectation, was there any action taken on the part of the Loudoun County Sheriff's office to add any members of their law enforcement team to attend the meeting or to be on the premises?

A. Yeah. We made -- safety was the -- was a paramount issue, so we had individuals that would be in and around the crowd, and we had individuals that would be in the boardroom, but the school board has a meeting monthly and we always have deputies at the meetings. Up until that point, we had always had sworn deputies present in the room.

Q. Okay.

A. That was nothing new.

Q. Now, again, (indiscernible) as you were walking through the parking lot and you're coming in, do you see a number of people out gathered, what was the tenor of what you saw? Were you concerned at that point as to what the crowd engagement was?

A. I mean, we knew it was -- it was an

84

excited -- it was like going to a big game, right, a big rivalry or -- you know it's going to be a good game or you know the crowd's excited. It was that type. People were passionate about what they were there for, pro or against, whatever the issue was. And some of them were debating and making their chants or doing their things --

Q. Okay.

A. -- to make their point.

Q. You then enter into the building?

A. Yes.

Q. At some point, the school board meeting starts.

Okay. Can you -- and were you inside the board meeting?

A. Yes.

Q. Can you tell her -- His Honor, please, what your observations were?

A. It was -- so normally at a school board meeting, you may have seven, ten, fifteen people. The room was set up for 633, and you couldn't see the chairs or if there were people -- some people

AMERICAN OVERSIGHT
VA-22-0316-A-000179

85

were standing in there. That's how many people were in there.

The board meeting started. Very quickly, somebody made a comment. It was -- I don't remember the exact comment, but it was something like dripping Jesus-something comment was made by somebody. I can't remember the full statement and the crowd responded. All the people in there responded. The board -- there was a couple of outbreaks.

It was like an outbreak of the public, and then the board would have recess. Well, I don't remember exactly how many they had, but they were going to take a five-minute recess, at which point in time, they would leave the daises, go back inside, wait for everyone to settle down, and then come back out.

Q. So when they would take the recesses, did you hear them make any announcements as to why they were taking a recess?

A. Yeah. The chair would say the board would take -- be taking a recess. I don't think

86

she gave a time. I think she just said a recess, and then they would go back inside. They would go into -- off the daises into a room that was on the side, and then at their liberty, they would come back.

Q. Okay. While the chair and the board members were on the daises, at any point in time, did you hear the chair caution the crowd as to the amount of noise or interruptions that were being made?

A. Yeah, she gave numerous warnings.

Q. Okay. Did you see what behaviors preceded her giving those warnings that caused you to link the two?

A. So different people would make statements, whether it was -- because they were -- it was public comment for whatever you wanted to talk about, so some people -- whatever the comment is made, the support would be loud. It would be claps. And I'm not saying loud, but you're supposed to do this silent clapping is what they're supposed to do, but that wasn't the case

87

all the time. People would clap and, you know, and she would give a warning for those outbursts.

Q. Okay. And did she communicate that that was disruptive to the public comment or people being able to hear?

A. She made the statement as if the -- she made the statement about if it continued, that -- that if it continued, that she would end the meeting or the meeting would adjourn, and she like gave them a general warning.

Q. Okay. As time passed during this meeting, did you see any changes in the crowd as far as in the matters that would indicate to you that safety was becoming a concern?

A. Before the meeting was cancelled?

Q. Right. Before she ended public comment, like --

A. Oh.

Q. -- during the times that they were taking their recesses and things of that nature.

A. No, not at that time. It was just normal -- someone would speak. Someone would get

88

excited and clap, but nothing that I felt was like a safety issue at that point in time.

Q. Okay. Did there come a point in time where safety did become a concern?

A. Yes.

Q. When was that, please?

A. So at one point, I believe it was -- I'm not sure and I don't want to mess his title up, but I think it was Senator Black. He spoke and at the end of his speech, the -- the audience passionately -- it was a passionate speech. They stood up. They were clapping. They were supporting what he was saying, and it was probably the most applause for anybody that night.

And at that point in time, the -- while that applause was going on, the board asked -- I distinctly remember. I think it was Reeza was asked to make a motion to end the public comment. It was seconded. They asked for a discussion. There was no discussion, and then they took a nine-zero vote to end the public comment, at which point in time, they vacated the daises.

AMERICAN OVERSIGHT
VA-22-0316-A-000180

89

And I don't think the public really picked up what was going on until they kind of got up and walked away and left, at which point in time, people started yelling no, or screaming, and this, that, and the other, but we still -- that was when the alarm kind of went up that, like, the body and the language in this room has now changed. At that point, we didn't do anything.

Q. How did it start to change?

A. We allowed it to go on for about 20, 30 minutes. They were getting in groups like caucuses or different groups and different people were speaking and we just allowed that.

And then in the rear of the room, an assault on one of my officers took place, and at that point in time, that gentleman was taken into custody and removed from the room. That was the turning point where we had to reassess what was going on and the safety of all the people in that room.

MR. KACHOUROFF: Pardon me. Pardon me. Judge, I would object. We agreed at the very

90

beginning that this arrest was irrelevant to the testimony, so if they're relying upon it now, I'm just -- I just want to know they've changed their position.

MS. BIBERAJ: Judge, the objection during opening was as to what the person, Mr. Smith -- what he was objecting to and what he was arguing about, not that the arrest took place. It was what his commentary was, that was the objection that Counsel was asking me to concede. That was not the -- the arrest was not the issue.

MR. KACHOUROFF: That was not my recollection, but if she's opening the door, I'm fine with it.

THE COURT: All right.

MS. BIBERAJ: We'll move on.

THE COURT: I'll allow the question. The objection's overruled.

BY MS. BIBERAJ:

Q. Major McDonald, you indicated that there was an incident where there was an arrest that took place. Between the 20 minutes that you

91

allowed people to make comments and to talk and do that, you said they were collecting in different subgroups.

A. Yeah.

Q. Okay. What about the logistics of the room, the way that the chairs were, or how they had been previously set up, had any of that changed when -- once the school board members left the dais?

A. So whatever your view was, there was nothing barricading you or stopping you from bringing extra but it was chairs set up in an auditorium-style setting and once it ended, a lot of people stood up. Some people who shared the same point went to each other. Others were disputing with each other. It was just a -- like a -- free conversations that were going on in the room until the arrest was made.

At that point in time, that gentleman was placed under arrest, and then I would say approximately within two to three minutes of that, the superintendent of schools made an announcement

92

to the public over the microphone that was on the daises.

Q. And what did he announce?

A. I don't remember verbatim, but he basically said that this is -- something in the nature of an unlawful assembly and that if you don't leave here, you will be arrested by the sheriff's office, something in the nature of leave or you will be arrested. He made that announcement a total of four times. On the fourth one, I signaled him to give that one again.

Q. Okay. So let's walk through each of those statements that he makes. When he's first announcing that this is an unlawful assembly, something to that effect, and I'll accept what you're doing and I'll repeat similarly that these may not be his exact words --

A. Right.

Q. -- but to the point he was making, this is an unlawful assembly and you need to leave. If you do not leave, you will be arrested. Okay.

When that first announcement was made, what

AMERICAN OVERSIGHT
VA-22-0316-A-000181

93

impact, if any, did it have to the attendees within the boardroom?

A. It started to thin out. There were some people that immediately on the first -- you saw the room thin out.

Q. All right. And then for those individuals who did -- who chose not to leave, what did you observe about their behaviors?

A. So, again, with crowd management, if everybody in this room tries to go through those two doors, and then they have to go out another two doors, they have to make a right and there's a bathroom to the left. So you have to take into effect that this room can't just flow easy. You've got to make sure that the hallways outside -- the people are moving and not milling around. So what we did was we made sure that there were officers outside in the hallway, and as people exited, they were telling them, this is the exit. Please keep moving. This is the exit. And if someone wanted to use the bathroom, they weren't prevented from using the bathroom.

94

So that's what initially happened on the first warning. You had people who self-volunteered to leave. They were just going to walk out.

Q. Okay. After the first announcement was made, did you make a determination or did you observe the fact that not everyone was leaving?

A. Yes, that is correct.

Q. What did you observe about their behaviors, if any, while they were inside the room?

A. Displeasure with the announcement. They didn't want to leave and so --

Q. How did you make that determination?

A. Because --

Q. Like what about your observations did you make that --

A. That people were yelling. There was all kinds of chants. There were all kinds of things being said. This is our house. We paid for this. They can't do this. They actually brought in a -- somebody brought in a PA system with a speaker and they were actually taking turns. And this is where the -- I'm going to go back. This is before the announcement. They were actually taking turns talking on the speaker to the crowd and we observed that and that wasn't a problem with us. Like I said, that was within the first 30 minutes of what was going on.

Once the decision was made and the announcement was made by the superintendent -- I think he was the superintendent. I don't think he was acting at that point. I can't remember -- but to clear the room, we continued again with a second announcement and more people began to clear out.

95

Q. All right. And then for those who remained, did you see any changes in their behaviors?

A. So about the -- around the second or third announcement, we started moving into the group that was still left, telling people, please go outside. Just please go outside. You can assemble outside. You're free to assemble outside.

And then we'd get some questions, like, you know, they can't do this and, you know, but you're not there to really like answer questions, just to let people know that you can assemble outside, so we kept on doing that.

96

Q. Okay. At some point, did your attention get drawn to Mr. Tigges?

A. Yes.

Q. All right. Can you tell the Court, please, for starters, do you see Mr. Tigges in the courtroom here today?

A. I do. It's the gentleman in the sling with the jacket on.

THE COURT: Okay. That's noted by stipulation and he's also pointing to him.

MS. BIBERAJ: Yeah.

Q. And on that particular day, we agree that he is dressed differently than he's dressed here today?

A. Yes, differently.

Q. Okay. On that day, did you have

AMERICAN OVERSIGHT
VA-22-0316-A-000182

97

personal contact with Mr. Tigges?
A. I did.
Q. What was that, please?
A. Prior to -- while cleaning the room -- while clearing the room out and moving people, you go where the flow of the people are moving. So as the people are moving, you're just explaining to them, yes, you can go outside and as they -- they were talking and saying things back, and -- but they were moving and they would leave the room. Mr. Tigges, if I'm saying that right, was --
THE COURT: Tigges.
A. Tigges. Mr. Tigges was towards the front, kind of center, and he was saying that, no, like we're not leaving. Don't leave. He was just adamant about not leaving at that point in time, but what you do is -- he wasn't -- there were others in the room, so what you would do is those comply, you escort those and help them to leave, and then you will deal with those individuals that do not comply and are left eventually at the end.
Q. Okay. So now as you're coming into

98

contact with Mr. Tigges and you're hearing him say, no, we don't have to leave and you indicated he was also encouraging others, don't leave?
A. Yeah.
Q. How did those people respond? Did they comply with his demands or how did that work out?
A. At one point, there was a lady who was carrying a baby and she got on the microphone and she basically told the crowd, like, don't -- like, I think she was kind of basically saying, don't act up. That's what they want us to do -- or take this outside. So she gave the mike -- another guy came in, grabbed that microphone and that portable speaker. They left, and they were with that group where Mr. Tigges was.
Q. Mm-hmm.
A. They exited and he remained.
A. Okay. Then at some point, did he have -- did he make any statements to you directly in regards as to what the expectation is for him to leave?
A. So by the time when I encountered him, I

99

-- we'd cleared out the hallway. I was outside in the hallway. When I came back inside, he was now in handcuffs. So he was always in my periphery as what we would say is -- he was vocal about not leaving and I knew he was going to be there because he was very vocal about not leaving but we were -- I went out into the hallway and escorted those people. When I came back in, he was in handcuffs.
Q. Okay. So then let's go back to the time as you were leaving the boardroom and heading outside. You said he was vocal about not leaving.
A. Yeah.
Q. What was he specifically saying?
A. I can't give an exact word. He voiced numerous concerns, right, throughout the time. He was upset that he felt that he had the room to a certain time, that they didn't have the right to just like walk off, that these people have come to be heard. He was making statements of that nature, but, again, at lot of that was in my periphery and I could see that he was talking to

100

other officers and they were trying to de-escalate the situation. So I focused on those individuals. There were some onlookers that were kind of watching to see what was going on with him, and I understood that, but we told them that they had to -- you know, that they had to leave the building, which they -- the majority of them did.
Q. Okay. I'm going to go back a little bit during the time that -- after the board was off of the dais --
A. Mm-hmm.
Q. -- and there's a -- was there a conversation between you and Dr. Ziegler as to coming to a decision that the time may come that people needed to leave?
A. Yeah.
Q. Can you tell us, please, what was the content and context of that conversation?
A. So it happened kind of quick. I was in the backside. Immediately after the board left, they wanted to announce this is an unlawful entry and I told them no, that we're not going to do

AMERICAN OVERSIGHT
VA-22-0316-A-000183

101

that. Give them time. Let them voice their concerns, etcetera, and that's why there was a 30-minute window between the first time that myself and Dr. Ziegler had a conversation about clearing the room.

And they would have -- we would have continued that. It wasn't until the arrest, the violence. Once we saw that the safety of everybody else that was involved in that room, that is when Dr. Ziegler then gave the notice officially to tell everybody else to leave.

Q. Okay. And I apologize because I don't know if I misheard you or it was stated. You said that it was an unlawful entry.

A. I'm sorry. I apologize. I think the term he used was -- he gave his title and he said unlawful assembly.

Q. Okay. And I may have misheard you, so I apologize.

A. Yeah.

Q. I just didn't want to mess that up.

A. That is correct.

102

Q. When you came back into the room and saw Mr. Tigges in handcuffs, did he make any statements regarding whether or not he was willing to leave even at that time?

A. No. In fact, what made -- I would never have encountered him, but as they were escorting him to the rear of the building -- because the plan was if you -- if anyone was arrested or we had to remove them, we were going to go out of the back -- the rear door.

He made a body motion to drop and resist, like stretch his leg out and kind of like drop his body. People do that when -- make you carry their body weight, at which point in time, I stepped to him, and I said, kind of, listen, hold on. Calm down. And he said to me something like, I have a right to be here and I have a right to listen. And I said, you do. You do, or something like to that nature. You do. You have a right to be here. And he was saying something like, see, this guy, he gets it. He gets it. And then I said to him, but the meeting is over. The daises is

103

empty. There's no one here, at which point, he just started yelling, it's not over. It's not over.

And then I told him that, listen, you're -- if you look around the room, you'll see there's no one here now. It's over but I want you to talk to this guy in the green, at which point in time, that person in the green was Officer Haynes, who is one of our trained crisis intervention officers, so he's trained in de-escalation, and that's who I placed his attention to.

Q. Major McDonald, I don't have any other questions. Counsel may have some for you. Thank you very much for your time.

A. Okay.

THE COURT: Before you start your cross-examination, let me take up one matter.

(OFF THE RECORD)

(ON THE RECORD)

THE COURT: All right. Now you may proceed.

MR. KACHOUROFF: Thank you, Your Honor.

104

CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT

BY MR. KACHOUROFF:

Q. All right. It's Major McDonald?

A. Yes, sir.

Q. Make sure I get the rank right.

Just a quick follow up with some of the things that you talked about --

A. Mm-hmm.

Q. -- so I understand. Is it true that -- I mean, after the crowd was cleared out, you actually stayed for the remainder of the board meeting that was occurring?

A. That is correct.

Q. You wanted to hear an issue before the board?

A. That is correct.

Q. So moments ago, you talked about the board meeting being over. You meant the public comments time was over.

A. Yeah. I thought I did state that they took a nine-zero vote to end public comment.

Q. Okay. Got it. So but during -- there

AMERICAN OVERSIGHT

105

are plenty of school board meetings where people come up and just sit in the audience and watch, right?

A. In the past, yes. That is correct.

Q. So one thing you testified to, you had no problem -- they were taking turns on the speaker giving their own public comment. And you -- and I said -- or you said, rather, they were taking turns on a speaker -- their own speaker and you had no problem at all with that but at some point, you decided to clear the room. So I want to talk about that just briefly.

The Commonwealth's attorney for Loudon County has suggested that he wasn't dressed the same way then as he is now. Was there some inappropriate dress that he should have been wearing? Was he not dressed appropriately at the board meeting? Was he was wearing bad shirts or --

A. No, he didn't have on anything that was like derogatory. Like some people wear shirts that make statements. I don't remember him wearing anything like that. He was dressed –

106

Q. Nondescript.

A. Yeah, just regular dress.

Q. No offense to my client. And you heard the woman say on the speaker, don't act up. That's what they want you to do.

A. It was something of that nature, like she was telling them to kind of behave, and she gave the speaker and she complied. She had a child with her –

Q. Understood.

A. – and she – they left on their own. She didn't agree. Don't get me wrong. She did not agree with us – with leaving and she made that –

Q. Sure.

A. – (inaudible) clear to us but –

Q. Sure.

A. – she did comply.

Q. The other part of your testimony -- so you went back to the board and they wanted to declare an unlawful assembly and you told them no.

A. No, they wanted to – I'm not going to

107

say – what they wanted to declare. They wanted to tell everyone to leave, so that was what we had done with crowd control in light of the George Floyd incident. We have – people are allowed to protest, and we have allowed people to protest. That doesn't – as long as they are protesting peacefully, as long as everyone is safe and there's no destruction of property, we've allowed people to protest.

At that point when the board had left, that was a protest and we allowed them to protest. The moment the violence occurred, which was the assault in the rear of the room, and that – my officer, that officer, was assaulted by the individual who tackled the officer, at that point, the free speaking to each other concerned us. The number of people that were in that room, and if more of those took place, how that would be to break those up and the people – there were a lot of kids in there. Like I said, one lady was carrying a baby.

Q. Sure.

108

A. So at that point, I agreed with the superintendent. Now is the right time. You can go ahead. I'm fine with it. You can make your announcement, but we still are not going to physically push or encourage them to leave. Your announcement will make people leave and it did, and he made a total of four of them.

Q. Okay. So the incident with your officer where you say he got tackled, did you see it?

A. So I saw the corner – I was behind the media, so what I saw was the crowd. I didn't see the tackle. I saw commotion and I heard the noise, and I stood up but you still couldn't see, and I read the other officers from the other room as they move in, which is normal. You watch what the –

Q. Sure.

A. – backup officer is doing and –

Q. Sure. (Inaudible).

A. – I saw them go down and, in fact, we had standby officers, emergency officers that were standing by in case things went south. I held

AMERICAN OVERSIGHT
VA-22-0316-A-000185

109

them back and -- because he went down and then very quickly, they stood up and he was in custody, so we didn't need to -- we didn't want to over send officers to a situation. It was handled by two or three officers at the most.

Q. So it's possible that he wasn't tackled, but there was a scuffle.

A. No, I saw the tackle on the video. That's why --

Q. Oh, you've seen the video of the tackle.

A. I saw the video. It was on the news and everything else. I saw the tackle --

Q. Okay.

A. -- but at the time, I didn't know what was going on. I had to find out afterwards, why was he arrested? What was the situation as --

Q. Do you have the video here today?

A. No.

Q. Okay. Does it show somebody charging a deputy and tackling, like a linebacker?

A. It shows him -- yeah, like a linebacker.

Q. Okay. And so was the deputy behind him

110

or in front of him?

A. The deputy would have been in front of him.

Q. Okay. And did -- was there a deputy behind him?

A. There was a deputy that -- the secondary deputy -- so the interesting thing is, so the way it works is this. The noise is made. The action is made. Now the camera comes over to that area. So there's a commotion going on before the camera gets there. The officer wasn't nowhere near there. He was in another post, so once the noise and the commotion takes place, the officer comes over to take a look at what's going on. He has some words with the individual, like, hey, you need to come over here, talk to me. We'll try and de-escalate the situation.

Now the camera comes to the situation because the rest of the room is picking up on -- something's happening in the back, and that's how the incident went. When the officer went to pull the gentleman away from the scene, he turned, he

111

tackled the officer. That's what I saw on the video.

Q. And so you didn't run at the officer. In other words, the officer grabbed him.

A. The officer went to take control.

Q. Okay.

A. Yeah. Three times, we were trying to take control.

Q. Absolutely, yes. Understood.

A. And so he's trying to control him, like, you know, this is not going good. Come over here, talk to me, etcetera, and then the assault occurred.

Q. Other than than one person, were there any other incidents?

A. There were reports taken after the incident, yes. There was a lady that said that she was pushed by someone. That report was taken and an incident number was placed. We interviewed some people about it because she fell, adamant that she was pushed and we checked into it and apparently, it seemed to be that, once that

112

commotion had taken place, other people moved away and they bumped into this person, and so some people were pushed and made complaints about stuff like that.

Q. And she was on her way out when she got pushed.

A. I don't believe that she was on her way out at all.

Q. Okay.

A. I just -- I believe she reported that -- this is way before -- we hadn't told anybody to leave at that time.

MR. KACHOUROFF: Okay. Okay. Okay. I have nothing further, Your Honor.

THE COURT: Redirect?

MS. BIBERAJ: No, Judge. Thank you, sir.

THE WITNESS: Thank you.

MS. BIBERAJ: He just will be subject to recall.

THE COURT: All right. You'll -- you may step down. You need to go back out in the

AMERICAN OVERSIGHT
VA-22-0316-A-000186

113

hall. Do not discuss this case while you're waiting. You may be recalled as a witness.
THE WITNESS: Okay.
THE COURT: Thank you.
THE WITNESS: Thank you, Your Honor.
THE COURT: The Court --
MS. BIBERAJ: Next is Sergeant (inaudible) please.
THE COURT: -- will take a five-minute recess.
THE COURT OFFICER: All rise. The Court's in recess.
(OFF THE RECORD)
(ON THE RECORD)
(Call to the order of the Court.)
THE COURT: All right. Next witness for the Commonwealth.
MS. BIBERAJ: Sergeant Leydig, please. Judge, while he's coming to the stand, may I please hook up a video (inaudible) the Court?
THE COURT: Yes.
Sergeant, come forward to the witness

114

stand, which is up here to your right. You've been sworn earlier with the other officers, so you may take a seat at the witness stand. The Commonwealth will be questioning you first, and then attorney for the Defendant may also have questions. Yes?
MR. KACHOUROFF: Your Honor, my client's using the restroom, so he should be back shortly.
THE COURT: Well, okay. We can't start until he gets here. All right. Thank you for letting me know.
MR. KACHOUROFF: I almost forgot myself.
THE COURT: While we're on a break, let me address a couple of matters.
(OFF THE RECORD)
(ON THE RECORD)
THE COURT: All right. Is the Commonwealth ready with this witness?
MS. BIBERAJ: We'll be ready to start (inaudible), Judge.
MR. KACHOUROFF: Can I just check the -- may I approach that video just to check the

115

exhibit --
THE COURT: Sure.
MR. KACHOUROFF: -- just to make sure it's the same one we're looking at?
THE COURT: Yeah.
MR. KACHOUROFF: I apologize, Judge. (Inaudible). Okay. Can we do large screen and also put the sound on? I want the Judge to hear the tone and tenor of the room.
Your Honor, I don't know if the video transfer to your screen at all, but we can actually -- do you mind if I (inaudible) to get the full screen?
MS. BIBERAJ: I'm going to do that.
MR. KACHOUROFF: Okay. Sorry.
MS. BIBERAJ: No, no. That's okay.
MR. KACHOUROFF: I'm trying to be helpful.
MS. BIBERAJ: I appreciate you. I just want to ask him some questions first.
THE COURT: All right. You may proceed. Thank you.

116

(Exhibit 1 was marked for identification and was retained by the Court.)
MS. BIBERAJ: Thank you.
Whereupon,
JASON A. LEYDIG,
being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:
DIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. Good morning, Sergeant Leydig.
A. Good morning, ma'am.
Q. Can you please introduce yourself to His Honor?
A. Your Honor, I'm Jason A. Leydig, Deputy Sheriff, Loudoun County Sheriff's office, rank, sergeant.
Q. Okay. I'm going to ask -- most of the questions I've got today are going to be related to June 22, 2021, incident.
Prior to doing that, can you tell the Court, please, how long have you been in law enforcement?

AMERICAN OVERSIGHT
VA-22-0316-A-000187

117

A. I started my law enforcement career in 2001 in August in Grand Rapids, Michigan, at the Kent County Sheriff's Department. I started with the Loudoun County Sheriff's office December of 2004.

Q. Okay. And what responsibilities as far as in titles or assignments have you had since being a law enforcement officer for the sheriff's office?

A. I started in the Loudoun County jail in 2004, worked there for 14 months. Then I went to public relations as a DARE officer, crime prevention officer, went to patrol, then did the school resource, was promoted to the motorcycle sergeant, to traffic sergeant, and then recently was transferred to patrol in the western end of the county.

Q. Okay. Relative to the training that you've had specifically while working at the jail and the patrol, as well as school resource officers, is there additional training that you were provided or more specific training that you

118

were provided regarding crowd control and assessment of safety?

A. To answer this question very specifically, I've had ancillary duties such as civil disturbance. With the civil disturbance training coupled with school resource, I would say that there are probably around a hundred hours of additional mandatory in-service recertification trainings that I've received through civil disturbance, crime prevention, and school resource officer.

Q. Okay. And as part of that training, are you taught how to assess certain behaviors within a crowd to make a determination as to whether or not safety becomes a risk?

A. Yes, ma'am.

Q. Okay. What types of things are you taught to look for?

A. I've been taught to look for individuals in a group that are organizers, individuals that are acting outside of a group, and then groups acting in concert with one another.

119

Q. Okay. And as far as specific behaviors, what are you looking for?

A. Looking for individuals yelling, screaming, inciting others to yell and scream and carry on a coordinated effort to break the peace.

Q. Okay. Are you also taught in the civil disobedience training as to how to de-escalate matters?

A. Yes, ma'am.

Q. What tools have they taught you to add to your skillset?

A. Chief amongst them, the Loudoun County Sheriff's office implements a crisis intervention training, in which nearly a hundred percent of its deputy sheriffs are trained with crisis intervention.

Q. And what exactly does crisis intervention training mean?

A. Crisis intervention training means that a deputy is taught over the course of 20 to 40 hours on how to talk to an individual that is exhibiting crisis-like behaviors, meaning that, if

120

they are in a crisis, instead of dealing with it in a black and white legal aspect, we can deploy officers that are specially trained to speak with them and de-escalate the situation, hear them out, and to understand what they're going through.

Q. Okay. Excellent. Now I want to ask you specific to June 22nd, if I may, please.

Were you assigned to the school board meeting?

A. I was assigned to the school board meeting by voluntary overtime. So I was there because I signed up for overtime for that position as an LCPS contractee.

Q. What was your initial direction as far as why you were to be there?

A. It was to keep the peace.

Q. Okay. At any point in time, were you told that your position or your purpose was to stop people from speaking?

A. Absolutely not.

Q. Okay. What time did you show up to the Loudoun County school board building?

AMERICAN OVERSIGHT
VA-22-0316-A-000188

121

A. If I could refer to my notes.
Q. Okay. So if you could do this, I could share with counsel because I know you gave him the notes -- what notes are you looking at that we also can review?
A. This is an actual self-note of the incident-based report that I submitted to the Loudon County Sheriff's office that I placed upon my cell phone, just so that I could read off of it.
Q. Was it then transferred into a narrative?
A. Yes, ma'am. The same narrative that everybody has access to (inaudible).
Q. Okay. All right. We're good.
A. Yes, ma'am. To answer your question, 1500 hours, 3 p.m. is when I arrived to the area, in order to get a briefing.
Q. All right. How were you dressed that day?
A. I was dressed the exact way that you see me today.

122

Q. And for the record, can you describe what that means? Are you in full uniform?
A. I am in full duty uniform, Class B, displaying my badge of authority with a nametag and all the other regalia.
Q. And as far as your insignia and stuff like that, it says sheriff on the front?
A. Yes, ma'am.
Q. What does it say on the back?
A. It says sheriff on the back as well.
Q. All right. And as you indicated, the same uniform you have here on today in court is the same one or similar -- maybe not the same exact shirt, but similar to the one that you wore on June 22nd?
A. Yes, ma'am.
Q. All right.
MR. KACHOUROFF: Just briefly, Judge, we don't have to go through this every time. I'll stipulate that they're all on duty wearing -- displaying their badge of authority because it'll speed things up.

123

MS. BIBERAJ: Thank you (inaudible).
Q. When you arrived to the Loudoun County school board building around 3 o'clock, did you come in through the parking lot area?
A. Yes, ma'am.
Q. Had you -- did you observe any individuals already gathering by that time?
A. Yes, ma'am.
Q. Can you describe for the Court what you observed?
A. I observed, by and large, the group was coordinated. They were calm. They were very appreciative of law enforcement being there, and I saw many people that I'd seen there before, having worked many overtime assignments there before.
Q. Okay. Based on the size of the crowd, was this any different than the other times that you had worked one of those school board meetings?
A. There were a couple more tents. There were speaker with microphones that were set up that I haven't seen before.
Q. Okay. And when you made this

124

observation, were you -- did you make it as you were going into the building or were you stationed outside the building?
A. Both. I made it as I entered into the building and as I was inside the building, looking out through the windows.
Q. All right. So now let's change the focus of the conversation to when you were inside the building. When you were inside the building, do you see the crowd start to increase in size?
A. I did not notice the increase due to the fact that my assignment was specifically to keep the peace inside the boardroom.
Q. Okay. All right. So now we're going to start talking about the boardroom in and of itself.
What time did the meeting start that evening?
A. I would have look at my notes.
Q. That's okay.
A. I don't have an exact time. I would say that it probably started around 4 p.m. --
Q. Okay.

AMERICAN OVERSIGHT
VA-22-0316-A-000189

125

A. -- to the best of my knowledge.
Q. So you said you've attended prior board meetings. Relative to attendees and the number of individuals who attended, was this evening on June 22nd any different in the number of attendants versus prior hearings?
A. There were open seats at every meeting that I had been at prior. This was the first meeting that I saw that there were absolutely no open seats.
Q. Okay. And what was, like, the emotional energy that evening?
A. The emotional energy was by and large calm at first.
Q. okay. Did things then start to change?
A. As the meeting continued to go through its normal decorum, there was at one point booing and jeering from whatever side was booing and jeering towards the other side. At that point, the decorum had been lost and I noticed that the chair had called a brief recess.
Q. Okay. And at the time that she called

126

the brief recess, was there any comments made towards the crowd as to why that recess was taking place?
A. I don't remember to the best of my recollection.
Q. Okay. Did the meeting then reconvene?
A. The meeting then reconvened five to ten minutes later.
Q. All right. Did you observe anything about the crowd or the attendees that then caused you to be concerned as to the tenor or the impact to safety that this may have?
A. I noticed that, at that time, the crowd became very, very calm and very quiet, and on both sides, were running through their respective speakers.
Q. Okay. Did there come another point in time when the chair took a recess?
A. When Senator Dick Black took the podium, that is when he gave an impassioned speech, and it was at the time that his microphone was cut off that the room then changed its tenor to become

127

upset, loud, and --
Q. Okay. When you say the mike cut off, are there time limits on speakers?
A. Yes, ma'am.
Q. Had he -- to the best of your information and knowledge, had he met that time and exceeded it?
A. Yes, ma'am. The 60 seconds had elapsed.
Q. Okay. I know you said that you saw that the crowd became upset and loud. What, if anything, did you observe about their physical demeanor that caused -- or impacted your sense of safety for the attendees?
A. The crowd by and large had stood up, started to yell, and this is after Senator Black had completed his speech and everybody had given him a round of applause and it was hard to hear, but the -- at that point, the chair had voted for a nine-zero end to public comment, so as they voted for the end to public comment at nine to zero overwhelming, they then recessed to the ante room.

128

Q. Okay. Then what, if anything, occurred relative to the crowd?
A. For the next 30 to 40 minutes, the crowd started off by singing the National Anthem. I was asked to give a brief to my command staff to which I said over the radio -- if I may read from my notes specifically.
MR. KACHOUROFF: No objection.
A. Using my duty-issued radio, I told command that we are going to let these folks exercise their First Amendment rights.
Q. Okay.
A. And that is on recording.
Q. And that's fine. Right?
A. Mm-hmm.
Q. And did you also ask them at that point that you wanted additional deputies to be there because some deputies had been taken out of rotation?
A. There were -- there was one specific incident to where a gentleman was yelling at a female. Two deputies intervened. As those

AMERICAN OVERSIGHT
VA-22-0316-A-000190

129

deputies intervened, they had to go hands-on, which basically means they had to physically take that individual into custody. That liquidated a majority of my deputies, which meant that it was just me and another deputy. I called for backup. Eventually, several more deputies came.

During that time, some for people left. Some people stayed. We went from probably 300 plus individuals in the room to at that point maybe a hundred.

Q. Okay. And how many deputies did you have in the room at that point when it was reduced to about a hundred?

A. I don't have it written down. To the best of my recollection, no more than five.

Q. Okay. And at this point, you've had maybe about 30 minutes pass as far as when the announcement was made that they needed to leave, and --

A. Yes. And I heard at least three to four – I have written down in my notes, four announcements from Dr. Ziegler of such to cease

130

and desist, and we -- I do have an actual quote, if I may read that.

Q. You're welcome to.

A. Superintendent, Dr. Scott Ziegler, says, as an administrator of Loudoun County Public Schools, I am notifying you that this is an illegal assembly and you are ordered to leave the building. Those that remain will be subject to arrest for trespassing.

Q. Okay. After the first time you heard that, what, if anything, did you -- and you -- and if I may ask this so I don't make this assumption, you were the highest-ranking officer within the boardroom at that point in time when he made the first announcement other than Major McDonald, correct?

A. Correct.

Q. Okay. So after that first announcement that you need to leave, it's an illegal or unlawful assembly or you will be subject to arrest, what do you direct your staff -- law enforcement officers to do?

131

A. From the very beginning, I said, we are going to ask them to leave.

Q. Okay.

A. Just be nice. Ask them to leave. Apologize profusely. Don't get into a conversation with them. Please, please leave. I'm so sorry. Please leave. If you're ever asked a question, I'm sorry. Just please leave.

Q. And that's part of the de-escalation, correct?

A. That is part of the de-escalation, open hands, just very gently trying to corral people out of the back of the room.

Q. All right. And that starts with the first announcement when there's approximately 6- to 700 people in the room.

A. Yes, ma'am.

Q. Some people have complied?

A. Some people have complied.

Q. All right. When it gets to the second announcement, does your instructions or your actions change as to encouraging those remaining

132

to leave?

A. It is just a repeat of the exact same orders.

Q. All right. Third time, does it change?

A. A repeat of the exact same orders.

Q. All right. Now by the fourth time, you've now had an incident related to one of your law enforcement officers coming hands-on with another attendee, correct?

A. Yes, ma'am.

Q. At this point in time, what then changes as far as how the actions will be for the law enforcement to take?

A. We only have a handful of folks left, and my major has said I need one more announcement. Get these people out of here.

Q. Okay.

A. He said something to that effect.

Q. And that was after the physical altercation with the one gentleman who was arrested.

A. Yes, ma'am.

AMERICAN OVERSIGHT
VA-22-0316-A-000191

133

Q. So let's talk a little bit about the tenor of the room when that was going on. Did it decrease the anxiety in the room or did it increase? What impact, if any, did it have?
A. I will say that, since there was absolutely nobody other than the five to ten citizens that were left, the mood of the room was calm due to the fact that there were more law enforcement there than there were civilians.
Q. At the time that he was arrested, there was only five or ten?
A. Mr. Tigges?
Q. I'm sorry.
A. At the time that the --
Q. Mr. Smith.
A. -- of the initial arrest, there was several hundred people.
Q. Right. Okay.
A. But by the end, when Mr. Tigges was arrested, there was only five to ten.
Q. All right. So I apologize. So I should have been very specific (indiscernible) so excuse

134

me for not having done that. Let's go back to the individual who was arrested that was not Mr. Tigges.
At that point in time, there's a couple hundred individuals in the room. While that was going on, what was the tenor --
THE COURT: Wait a minute. The answer to that was yes.
A. The tenor --
THE COURT: The court reporter can't --
MS. BIBERAJ: Yeah, because there's a court reporter.
THE WITNESS: That's okay.
THE COURT: -- (inaudible). All right.
MS. BIBERAJ: Yeah. Thank you, Judge. Let me go back and walk through that, so that you actually have an audible response.
Q. At the time that the other person who was not Mr. Tigges was arrested, there was approximately a couple hundred people in the room still?
A. Yes, ma'am.

135

Q. And there was about five law enforcement officers?
A. Yes, ma'am.
Q. Okay. What was the tenor of the room as far as the attendees when that other person was being arrested?
A. It was loud. It was angry, and it was not safe in my opinion.
Q. Okay. What concerns did you have and for whom relative to other attendees, law enforcement, or anything else in that nature?
A. My main goal and I tell my deputies that my main goal was to keep the peace, to keep the civilians safe, to keep the board safe. We're not there just for the board. We're there to make sure that everybody has a safe First Amendment environment in which they can exercise that right.
Q. Okay. At this point, you indicated that safety became an issue.
A. Yes, ma'am.
Q. All right. What, if anything, did you then direct your fellow officers to do?

136

A. Again, open hands, communicating in a positive manner with the civilians that were left, the citizens, in order to leave the boardroom.
Q. Okay. At that point, are they getting actually closer to the crowd themselves to be able to -- I don't want to use the word corral. That's a little offensive -- to encourage them to leave?
A. Yes, ma'am. We are advancing on them by taking shuffle steps.
Q. All right. And are most people then complying with it?
A. Yes, ma'am.
Q. All right. At -- sorry. At some point, do you then actually come into direct contact with Mr. Tigges?
A. Yes, ma'am.
Q. All right. What would -- what is the interaction between you and he?
A. There was one interaction before the video that was captured in which I asked Mr. Tigges to -- is that the proper pronunciation, Tigges?

AMERICAN OVERSIGHT
VA-22-0316-A-000192

137

MR. KACHOUROFF: It is. Yes. Thank you.
A. To come aside and to which -- not to say hearsay. I just asked him what -- I said, what is your end goal here today?
Q. And what'd he say?
A. Mr. Tigges then said -- he goes, there's no way that I'm going to leave this building without being arrested.
Q. Okay. At that point, then there is an interaction that is recorded between you and he.
A. Yes, ma'am.
Q. Can you describe for the Court, please, what is your then next interaction with him?
A. I saw Deputy Haynes, who will be in the video with a green shirt, interacting with Mr. Tigges in a CIT manner, engaging Mr. Tigges to understand what his crisis is to be able to de-escalate that. As he is engaging Mr. Tigges, I'm advancing and pushing people without pushing them.
Q. Without touching.
A. Right. Pushing them out of the back of

138

the room, and with great success. And then as I come back, there was one more audible notification from Dr. Ziegler and the order by Major McDonald to make sure that all these people (inaudible) and that is when I had my last -- my interaction with him. That was on video.
Q. And what was the interaction between you and Mr. Tigges at that point in time?
A. At that point, I very succinctly went up to Mr. Tigges and said -- if I may look at my notes just so that I'm not --
Q. Sure.
MS. BIBERAJ: For Counsel's reference, it's Page 5 of 6, Paragraph 2.
A. Yes, ma'am. I returned at around 5:55 hours to find Mr. Tigges was still engaging with Deputy Haynes. Deputy Haynes and Mr. Tigges were speaking. Mr. Tigges was speaking about the suppression of people's rights. I asked Mr. Tigges, Jon, are you refusing to leave at this time? Mr. Tigges replied, yes, I am refusing to leave. I then gave the order, deputies, please

139

arrest this individual for trespassing.
Q. Okay. And did that, in fact, take place?
A. That took place. He was arrested without incident.
Q. All right. I'm going to go and just identify some video. The videos that you will be asked to look at, you've had an opportunity to review them earlier, have you not?
A. Yes, ma'am.
Q. Are those videos that you actually provided to me, those being videos that are on YouTube, a public channel?
A. They are on a public channel. Yes, ma'am, to which they have been recorded and placed into our evidence system.
Q. Thank you, sir.
MS. BIBERAJ: Judge, based on Counsel's request and my consent, what we're actually going to do is actually allow the audio on this. I don't think there's any objection to that.
Counselor, can you see that?

140

MR. KACHOUROFF: Yes, ma'am.
MS. BIBERAJ: All right. Thank you, sir. At any point in time that you need (inaudible).
Q. I don't know if it's too soon to tell but are you able to identify who the sheriff is in this --
A. That very well might be my back.
Q. Okay. If at some point, it isn't, then let me know. I believe it is you too but we'll see that.
A. That is me.
(Video started.)
(Video stopped.)
Q. I just want to ask you a couple of questions. You see that there's numerous deputies within the throng of the crowd, and that's what you were saying, that they were encouraging them to leave?
A. Yes, ma'am.
Q. All right. Are those the exit doors on the top, right-hand side?

AMERICAN OVERSIGHT
VA-22-0316-A-000193

141

A. Yes, ma'am.
Q. All right. There's someone speaking in the background. And is that the amplification system that somebody's speaking on?
A. There is one really loud woman that did not have any amplification whatsoever and that's generally who we're hearing through most of this.
Q. Okay. All right. If you listen to it, there's a -- it sounds like a male voice and it sounds like an amplification. I just want to ask you a question, if you'll listen to that and then I'll -- let me know when you hear it.
(Video started.)
(Video stopped.)
Q. So with what we are hearing, is that similar to what you were experiencing in real time?
A. Yes, ma'am.
Q. All right. Now I'm just going to let it play.
(Video started.)
(Video stopped.)

142

Q. Is that Mr. Tigges?
A. Yes, ma'am.
Q. All right.
(Video started.)
(Video stopped.)
Q. On the (inaudible) because, at some point, you'll see Sergeant McDonald in the photo and he makes a signal. Is that you were referencing earlier to make another announcement for people to leave?
A. It very well might be that I'm -- correction to Major McDonald.
Q. I'm sorry.
A. No, it's okay. Mm-hmm.
(Video started.)
(Video stopped.)
Q. And as far as the individual that's talking to Mr. Tigges, who is that, from the sheriff's office?
A. The green-shirted deputy was Deputy Haynes.
Q. And that's with the specialized CIT

143

training?
A. Yes, ma'am.
Q. All right.
(Video started.)
(Video stopped.)
Q. Sergeant Leydig, was that a true and accurate video of the events as they transpired that evening on June 22nd?
A. Yes, ma'am.
Q. All right. I have no further questions at this time. Thank you, sir.
THE COURT: Cross-examination?
MR. KACHOUROFF: Very, very briefly, Judge.
CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Sergeant, you said, no way I leave without being arrested was one of the comments that he said to you.
A. Yes, ma'am. Yes, sir.
Q. It's okay. Fair to say that he may have -- because I didn't see that contained in your

144

statement -- in your written statement.
A. Yes, sir.
Q. Is it contained in there?
A. It is not contained in my narrative. No, sir.
Q. Is it just as possible he says no way I'll leave until everyone's had a chance to speak?
A. That is absolutely not what I heard.
Q. Okay. So if it was on video that that's what is said, you would go with what the video said rather than your own recollection.
A. If there was a video that contradicts what I said, then my recollection obviously is in flaw.
Q. And you talked about the 30 minutes after the board left. What happened during the 30 minutes? Were they talking? Were they on that -- doing their speeches on the --
A. Yes, sir. They were taking turns, standing on chairs, on a speaker system that they brought in.
Q. So the board didn't come back to resume

AMERICAN OVERSIGHT
VA-22-0316-A-000194

145

the meeting for 30 minutes or more?
A. That is true.
Q. Did they tell you that they weren't coming back? Did they tell you they were coming back? What was the board's intent at that point?
A. I don't know.
Q. Did the board ever tell you before they recessed that they wanted everybody cleared? Before you made the announcement, did the board ever say they wanted everybody gone?
A. No, sir.
Q. Were you in the back room with the board at any point in time?
A. No, sir.
Q. So you would have no way of knowing what they said.
A. No, sir.
Q. Okay. Mr. Tigges never once called you a pig.
A. No, sir.
Q. Was he respectful? Would you say that was respectful, what you saw?

146

A. In the back parking lot, he was very, very, very respectful.
Q. Okay. And he was also -- while he was adamant about his constitutional rights, he wasn't belligerent with you.
A. I would say that what you saw in the video was his impassioned plea to be heard --
Q. Understood.
A. -- is my opinion of the situation.
MR. KACHOUROFF: I have nothing further. Thank you, Judge.
THE COURT: Redirect?
MS. BIBERAJ: Briefly.
REDIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. Sergeant Leydig, relative to your actions and those that you directed your officers and deputies to do, was that in an attempt to silence his abilities to speak?
A. No, ma'am.
MR. KACHOUROFF: Objection, Your Honor. That goes beyond the scope. I never raised

147

anything about the deputy stopping him from speaking.
MS. BIBERAJ: I think it's his response, Judge, to Mr. Tigges wanting to speak and to exercise his First Amendment privilege. That's in response to that, that his attempts were not to forfeit that or just to (indiscernible) that in any way.
THE COURT: The issue came up about speaking.
MR. KACHOUROFF: It did. All I asked him was he said Mr. Tigges said -- because I wrote it down, I'm not leaving until -- or I'm not going to -- he asked what is his end game, and he believed Mr. Tigges said, I'm not leaving this room until I'm arrested or some such thing like that. And then I asked the question, is it possible he said I'm not leaving the room until everyone had a chance to speak. He couldn't remember.
That's it, but that doesn't open the door to him -- her asking all kinds of other

148

questions about whether he gave orders to stop speaking. I never even went into that. In fact, his testimony was that they did -- his testimony was just the opposite, that he actually is on the radio saying, we're going to give these people their First Amendment right to speak.
MS. BIBERAJ: Judge, we can refer to the court reporter as to the subsequent question because there was a subsequent question if that would guide the Court in its ruling on the objection.
THE COURT: I'm inclined to allow the answer to the question.
MR. KACHOUROFF: Okay. That's fine.
THE COURT: It seems to me that that was the -- there was a question about speaking and I think it's a follow up question to that. There might have been a difference in what you asked him about his recollection and what something may -- some other testimony -- not testimony -- but the video may have been, but regardless, I'm going to allow the question. Objection overruled.

AMERICAN OVERSIGHT
VA-22-0316-A-000195

149

MS. BIBERAJ: Thank you, sir.
BY MS. BIBERAJ:
Q. And Sergeant Leydig, was the crowd permitted an alternative site to continue with their public comments, such as being outside of the boardroom?
A. The hallway or the parking lot at large.
MS. BIBERAJ: I have no further questions. Thank you, sir.
MR. KACHOUROFF: May I redirect?
THE COURT: Yes.
RECROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Do you know whether the parking lot and the right to assemble outside of the parking lot, was that announced on the loudspeaker?
A. I don't recall.
Q. Do you recall whether the school board had a notice that said, listen, this is a big crowd tonight. We're going to set up additional areas outside for the right for the people to assemble?

150

A. I don't recall.
MR. KACHOUROFF: Thank you. Nothing further, Judge.
THE COURT: You have the last --
MS. BIBERAJ: Thank you, sir.
RE-REDIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. But you heard Sergeant McDonald -- I'm sorry -- Major McDonald clearly state they could assemble outside.
A. Yes, ma'am.
MS. BIBERAJ: I have nothing further. Thank you, Judge.
THE COURT: All right. Is this witness needed further?
MS. BIBERAJ: Judge, he's subject to recall if we may, please.
THE COURT: All right. You may step down.
THE WITNESS: Thank you, Judge.
THE COURT: You need to wait out in the hall and you may be recalled as a witness. Do not discuss this case while you're waiting.

151

THE WITNESS: Yes, sir.
THE COURT: The next witness for the Commonwealth.
MS. BIBERAJ: Judge, that would be the Commonwealth's case in chief.
THE COURT: Commonwealth's case.
MR. KACHOUROFF: Your Honor, I move to strike the Commonwealth's case.
THE COURT: Okay. Do you have some reason for that?
MR. KACHOUROFF: Of course, I do. I'm getting ready to tell you.
THE COURT: Okay.
MR. KACHOUROFF: This case is interesting from several respects. You've got the superintendent who thinks the sky is falling and describes a chaotic scene reminiscent of January 6th, yet there's no protestors burning chairs, looting, rioting, jumping on top of the dais, nothing.

152

The only incident you saw of someone standing on a chair was a shorter fellow -- and I sympathize with him because I'm not as tall as I'd like to be -- get on a chair during the recess and attempt to speak and attempt to say something, and then the microphone gets taken away and he gets down. There was nothing disorderly about that room, nothing. The cases are replete with this type situation.
And, look, we're not talking about a courtroom. If I come in here and pull antics on you, not only are you going to shut me down, the bailiffs will come and put me in cuffs because the decorum here is not the same -- it's not a political decorum.
First, I mean, Justice Thurgood Marshall has mentioned on occasion a famous case. I think it was an Illinois case, a Chicago case, where they were talking about the animating contest of freedom, and when we talk about politics, that there is -- it's expected that we are engaged in this political discussion. That's why a lot of

AMERICAN OVERSIGHT
VA-22-0316-A-000196

153

people don't like to talk about religion and politics, yet we have both of those things being talked about here.

Nothing in these videos shows any sort of riotous assembly. The question is -- the question you have to decide is whether an unlawful assembly has to be there in order for the police to clear a public assembly. You can't have it any other way than to have -- you have to make that analysis because if you do, then there's no -- why would you ever have an unlawful assembly? You never would. The unlawful assembly exists for this reason.

When I speak to unlawful assembly, I'm talking about the old common law and now which is codified at 406, I believe, of Title 18.2. Yes, 18.2-406. If this statute does not apply to public assemblies, it never will -- or to public protests, it never will. We will have established a new squish standard that, well, I feel this and I feel that and they weren't using their jazz hands. They were applauding. There's no policy

154

that says they can't applaud.

I noticed the Commonwealth didn't show you the -- Dick Black speaking and the applause afterwards because that video may not have been favorable to the Commonwealth. Why didn't they show the -- what the crowd's reaction was? It's their burden. They have the burden to do that, not me.

But at the end of the day, the motion to strike should be granted and for one salient reason, that in order to declare this an unlawful assembly, you have to meet the exact terms of the statute. Arresting one person who, according to Major McDonald, got tackled, but Sergeant Leydig didn't express it in those terms. The two guys -- they arrested him without incident and they took him out and people continued for a little while thereafter. And then they made the announcement to -- that it was an unlawful assembly.

I think when you look back at the evidence, that this really illuminates that issue because we have Major McDonald telling you

155

uncontradicted or that before he went back into the room with the board and the board wanted to clear the room out then and he said no. So he knew he couldn't just clear it out. So what is the standard by which he claims that he can clear that room?

The board obviously didn't want to hear any more public comment. That much is clear by virtue of Major McDonald's testimony. They're going to have that issue to deal with. That's a separate issue but the real glaring part that you have to overcome is why did Major McDonald have the right to clear that room when there was no unlawful assembly? And you'll see they're all -- without even my prompting, the witnesses like Dr. Ziegler are now backing away from the unlawful assembly because they know. They read the statute and they went, oops. We screwed up.

So they couldn't clear that room just because. When the board sets up a public meeting and within that public meeting, sets up a public comment session, it's accorded strict scrutiny.

156

It's accorded First Amendment protections under the United States Constitution. That's not in disputed. The only way to defeat that is to show -- make a showing not that, oh, well, the crowd was rowdy. Well, this is politics. Crowds always get rowdy. You know, I think one of the witnesses likened it to a game, but there wasn't three or more persons conspiring and the statute is key here and it assists you in understanding whether this occurred.

It's lawful or unlawful purpose. So they had a lawful purpose, but they do so by the commission of an act or acts of unlawful force or violence likely to jeopardize serious public safety. The statute sets the standard, not the training that all these officers claim to have. The statute does.

When three or more persons assembled share the common intent, then such assembly is an unlawful assembly. There wasn't three or more persons using violence. All you heard was one person got arrested because he was getting mad at

AMERICAN OVERSIGHT
VA-22-0316-A-000197

157
another woman and there was no indication that he hit her. There was no actual act of violence.
So in order for this case to -- in order for the -- for us to say that the sheriff had the right to stop a First Amendment hearing, he's obviously talking to the board. The board wants it stopped. That's where the school board superintendent decides, well, we'll just call it an unlawful assembly and we'll stop it right now.
The problem is it didn't meet that, so in order for the Commonwealth to meet its case, it can't run from the statute. They can now claim in open court after the fact, oh, it wasn't really unlawful. We were just scared that there were -- people weren't using their jazz hands. They were clapping and -- you know, no wonder why people are upset with government. The government -- this is not a beauty contest where we -- everybody sits respectfully. This is a political forum. This level is to be expected.
There was nothing -- you didn't hear that Mr. Tigges at any time was disrespectful to

158
the officers. He was asserting his constitutional rights. That's the oath that I took, that you took, that the Commonwealth took, that the officers take. Now, people have a tendency to want to balance these rights out, but this is not the same thing as yelling fire in a crowded theater. We're not even asserting that Mr. Tigges is attempting to yell fire in a crowded theater, but he had a right to speak. He wasn't doing anything wrong.
There wasn't an unlawful assembly, and that's the whole point of this. That's what colors this whole -- and by the way, just so the Court understands the Commonwealth's case, they tried to create an unlawful assembly without going to the statute. That's why you heard all this testimony about, well, we were scared, based on my training, you know, the crowd this, the crowd that. Well, it doesn't matter what any of that is. What matters is what the statute says. That's what we go by in the law.
And so in order to convict him of

159
trespass, which they cannot, they would have had to have shown that it was an unlawful assembly. He was there for a lawful purpose but he didn't engage in any acts of violence. It was passive, just like Martin Luther King and the passive protests. So I would ask Your Honor to find the Commonwealth has not met its burden. They have not proved that an unlawful assembly existed, and that they had no authority to order Mr. Tigges from the room. He had every right to speak because the time was allotted.
That's part of the First Amendment. These board meetings, time, place, and manner. So the board can regulate the time. In this case, the board wasn't regulating. You heard uncontradicted testimony that one woman came up and called -- wasn't addressing the policy, wasn't addressing the board. She's inciting the rest of the audience, who she knows is against this transgender policy and the critical race theory, calls them all haters of Jesus and a hate-filled room. What do you expect when the chair doesn't

160
even dress her down or tell her to stop? But yet, the moment people boo, she gets mad at them for saying that.
The time for public comment is to address public policy on the political issues. So I would submit, Your Honor, the board is stuck with this. They're the ones that did this. You know, they have to hear public comment. They may not like it but if they set aside that public comment period, it's a designated public forum. The First Amendment attaches with all of its restrictions.
So based on that, Your Honor, I would ask the Court to strike the Commonwealth's evidence and find -- and dismiss this case.
THE COURT: Ms. Biberaj?
MS. BIBERAJ: Judge, the reason why we're here is because Mr. Tigges was on the property of the school board and was asked to leave as one of many attendees. He chose to not leave. This convolution of what the issues are, so whether or not this is an unlawful assembly,

AMERICAN OVERSIGHT
VA-22-0316-A-000198

161

that's not really an issue before the Court, whether it was a lawful or unlawful assembly.

The statute is very clear, which says, it is unlawful for any person, herein, it is Mr. Tigges, to remain on school property belonging to the Loudoun County Public School System in violation of any direction to vacate the property by the property. That was done four times, by a person authorized to give such direction. That was Dr. Ziegler. Those are the elements of the trespass statute. Each of those elements have been met beyond a reasonable doubt, not only to survive a motion to strike but on any level.

The fact that this public comment was a basis by which people were invited to come to speak before the school board existed. They were not squashed for their ability to be able to do it, just the public comment had been terminated because of the behaviors within the audience. That is at the right of the school board but yet again, that is not the issue before Your Honor. It is the trespass. The trespass, all the

162

elements have been met and I would suggest to the -- Your Honor that the comment made by Counsel as far as us not showing any portion of the video, no offense, we showed to which to establish our case. They are given the opportunity if they wish to put on a defense. They don't have that burden, but they have that invitation. So I would ask the Court to focus on what the issue is and what the offense alleged, which is the trespass. Thank you, sir.

THE COURT: Anything further on your motion?

MR. KACHOUROFF: Very briefly. Any direction by a person authorized. That's what 128, Subsection -- Paragraph B talks about. Well, the superintendent admitted because I asked him the question point blank, do you control the board meetings? No, I do not. Do you control the boardroom and the board meetings when they're in session? No, I do not. He was not authorized. He said the board didn't tell him to do it, so he couldn't have been the person authorized to tell

163

the public they needed to leave a public meeting.

Now keep in mind, granted, they could have stopped the public comment but there was still a public meeting and the public had a right under the Virginia FOIA Act, the Open Meetings Act that it could attend. That's an open meetings violation to prohibit the public from going in. So they have every right, unless the board meeting was terminated altogether, which it wasn't. It was in recess, just like you took a recess. And they were supposed to come back, so you just can't have people exit, especially when, Judge, all this talk about all the training for de-escalation.

There was not a single warning that, hey, guys, they're going to ask you to leave. I need you to be respectful and quiet. There was none of that announced over the PA. They took the quick and fast opportunity to come out and say unlawful assembly. They said it four times and now they're trying to back away from it. They know because they're caught. For that reason, I would ask the Court to dismiss this case.

164

THE COURT: The Court finds that the Commonwealth has made a prima facie case in the light most favorable to the Commonwealth consistent with the requirements of 18.2-128B. The officers were authorized and they were telling the people to leave as well and it was that authorization in part that the Court considers in denying your motion to strike.

Do you wish to present any evidence?

MR. KACHOUROFF: No, Your Honor. I would renew my motion at this time under the standard of beyond a reasonable doubt with the contradictions you've heard, was there a reasonable doubt as to whether he should be allowed to remain there, whether the superintendent was a person that was authorized to do so.

You say the officers all told him to leave. All right. Just because an officer is giving you an unlawful order doesn't mean -- you suffer the consequences if the Court later determines it to be lawful, but if it's an

AMERICAN OVERSIGHT
VA-22-0316-A-000199

165
unlawful order and you resist peacefully, you're entitled to do that and the officer may indeed be wrong. I think the officers are trying to do their job with respect to following what the school board and what the superintendent were trying to accomplish, so I don't -- you know, when the officer says, please leave, that's not the standard by which we convict somebody for trespassing.
I mean, the officer has to have -- if he's getting direction from the person authorized, you have to be authorized to do that, so we go right back to the heart of the issue. I won't repeat it again for Your Honor, but it's -- I went over the First Amendment issue ad nauseum.
THE COURT: The Court finds that Major McDonald was in concert with the school officials and had the authority to tell those people to leave. They were working on that back and forth.
MR. KACHOUROFF: Well, Judge, I apologize.
THE COURT: The board --

166
MR. KACHOUROFF: The school board isn't the school officials. The school board's an elected body. The superintendent has -- he takes direction from the school board but he says he acted on his own. He can't do that. It's a school board meeting. It's a public meeting. He has no authority as a superintendent to govern a public meeting, zero.
THE COURT: He has authority to administer the billet, which is what he testified to. He has the authority to do that and he had authority when working with police for -- under exigent circumstances for welfare and safety of the people at the meeting to ask them to leave the building and within the earshot of that was the Defendant, who was told, you can continue outside. That's on the video.
MR. KACHOUROFF: Yeah, but he wasn't told that, number one.
THE COURT: It's within -- it was audible from where he was.
MR. KACHOUROFF: Right. But just so

167
we're clear, it's still a public meeting. And so the question is why was the room -- you're saying because of safety issue, well, you're invoking the unlawful assembly (indiscernible).
THE COURT: I am invoking the requirements of the statute.
MR. KACHOUROFF: Well, they can't -- they're not authorized to do it. That's the point. Just because he's authorized at large to manage the buildings -- in other words, you've just said, Your Honor -- and consider this, respectfully, that the superintendent, despite a board meeting, can withhold -- can stop the public from going in because he has the power to administer the school board or the buildings. He doesn't have that power.
When the school board acts, they sit in a session in the school boardroom. It's not even -- I mean, it may be attached to the admin buildings, but it's a school board dais. That's what it's there for. It's for the public to come and listen. That's why it was designed. So if

168
we're going to talk about danger, if we're going to talk about safety matters, the general assembly has already put that in plain language in the statute, and that's under the unlawful assembly statute, 460.
Otherwise, under this interpretation, we would never use unlawful assembly ever again to get people to clear a room. That's the whole point of the unlawful assembly. You have no longer the right to assemble. It has now become unlawful. And when is that? When 460 tells you, three or more persons. They haven't shown three or more persons. At most, they've shown one. That's the point.
THE COURT: Do you want to respond?
MS. BIBERAJ: I do, Judge. Thank you. Judge, Dr. Ziegler testified that he is the CEO of Loudoun County Public Schools and is in charge of the day-to-day operations. As far as this being a board meeting, which is with the board members, that is what their function is, as far as being able to administer that public meeting.

AMERICAN OVERSIGHT
VA-22-0316-A-000200

169

The tenor changed when safety became an issue. And we saw on the video, this was after the fourth time that people have been asked to leave, and you saw there were still throngs of people there, and they had no hesitation to being confrontational with the law enforcement officers. Here's a situation where what ends up happening is that the actions within the meeting made it such that they were not going to allow any more public comment within.

Once the public comment was over, they did shut it down because people were standing on chairs, people are yelling and screaming at one another. There's a large number of people. That was the safety issue that -- the determination that was made. People were given numerous opportunities to leave. The direct question was made to Mr. Tigges, are you going to leave without being arrested? And what's your end game? I'm not leaving without being arrested.

MR. KACHOUROFF: Not true.

MS. BIBERAJ: That's what the Sergeant

170

testified to. On the video, the Sergeant asks him, sir, Jon, are you willing to leave? No. You will be arrested for trespass. Okay. Officer, please arrest him. This was clear notice to him as to his right to be in that facility was no longer a right that he had because it was -- the invitation had by then been revoked.

And we have that in every business. If you go to a business that's a public business, you are allowed to be there until the person who's in a position of authority says, no longer. In concert with law enforcement, the determination was made that this was no longer a safe situation to continue with. That's why there was a delay of 20 to 30 minutes was also to allow people to speak, to kind of get it out of their system, to walk out, and to allow law enforcement to come in to be able to help direct that.

Everything was done right by the -- Dr. Ziegler. Everything was done right by law enforcement to say, we've just got to move this outside and we're not shutting you down. The

171

public comment in front of the school board may be one thing, but the school board was no longer on the dais. So the public comment was just being moved to the outside and they were welcome to do that. You heard Major McDonald say, you can take it outside and you can talk outside. Just go on. Let's go. We've got to go out and leave the room.

I don't know how much more notice could have been provided. I don't know how much more the law enforcement could have done to be able to say, this is no longer appropriate in here. So it was on the trespass issue, this idea that we're just going to throw in the unlawful assembly, that was the words that Dr. Ziegler choose. He said, I just misspoke on that, but the notice is very clear. You are not allowed to be here any longer. Otherwise, you run the risk of being arrested. That's what trespass requires, notice. Notice was very clear.

MR. KACHOUROFF: If I may respond briefly. It's my motion.

THE COURT: Okay. Well --

172

MR. KACHOUROFF: Last word, right.

THE COURT: Well, on your motion, you do get --

MR. KACHOUROFF: Correct, correct. So the day-to-day affairs of a CEO don't -- do not include telling shareholders how to run their meeting or has nothing to do with the shareholders. The shareholders here are the school board. They operate on their own meeting, their own assembly, like a little general assembly right there. You know, and the school board executive, being the superintendent, has no right to tell them what to do at all, and that hasn't been established.

If we're going to get technical, I haven't heard one single statute saying that the superintendent -- one single Virginia regulation saying that the superintendent had a right to do what he did, zero. So that day-to-day operations, I think, is crazy. And just moments ago, she said, well, they could have taken it outside. That's not the point. Regardless of the public

AMERICAN OVERSIGHT
VA-22-0316-A-000201

173

comment, they had a right to be in a public meeting. That's part of the Virginia FOIA statute, the open meeting violation, so that alone, that shows you the weakness of the case. Judge, you can't order people outside. You can end public comment. I get it.

Now that's going to -- that's a completely different issue at this point whether they could or couldn't, but the point is they shut down the entire meeting, the entire public meeting for the public. They were no longer allowed in to observe the board. Now you also heard Major McDonald say, he stayed behind not for the purpose of securing the board, but to listen to an issue the board was going to talk about. So he could sit there as a member of the public and do it, but the rest of the people could not. Why? Because they had shut down the public participation. They'd shut down public access to that room and they should not have.

THE COURT: The Court believes from the totality of the evidence that the requirements of

174

18.2-128B have been fulfilled, and the Court finds the Defendant guilty of the offense and imposes a $500 fine with $400 suspended, conditioned on his good behavior for the next 12 months of unsupervised probation. That's a final order. You have a right to appeal this decision within ten days.

MR. KACHOUROFF: Thank you, Your Honor.

MS. BIBERAJ: Thank you for your time, Judge.

THE COURT: Thank you.

(Off the record at 12:15 p.m.)

175

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Brendon Cuenca, the officer before whom the foregoing deposition was taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 3rd day of October 2021.



_____

Brendon Cuenca, Notary Public
for the State of Maryland

176

CERTIFICATE OF TRANSCRIBER

I, Teresa R. Salazar, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Teresa R. Salazar

Teresa R. Salazar
October 3, 2021

AMERICAN OVERSIGHT

EXHIBIT H

AMERICAN OVERSIGHT

LOUDOUN COUNTY PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT
21000 Education Court
Ashburn, Virginia 20148
(571) 252-1020

Scott Ziegler, Ed.D.
Superintendent

Sheriff Mike Chapman,

We are committed to providing our community with good, solid information as we work to provide all students with a safe learning environment.

With that in mind, we are writing to address what may be inaccurate information that was shared at the Board of Supervisors meeting on November 3, and reported in the media last evening.

Per the Code of Virginia, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult.

During the quarterly crime update to the Loudoun County Board of Supervisors on November 3, Col. Mark J. Poland of the Loudoun County Sheriff's Office suggested that your offices notified the Loudoun County Public Schools of charges in the Stone Bridge High School sexual assault case. The question-and-answer with the Board of Supervisors and Sheriff's Office went as follows:
Dulles District Supervisor Matthew Letourneau asked Col. Poland of the Loudoun County Sheriff's Office: "I'm just gonna ask, straight up, could you tell us if the Sheriff's Office did, in fact, notify Loudoun County Public Schools when the individual was charged?"

Col. Poland answered: "To answer your question, they were notified. They were absolutely notified."

At this point, LCPS cannot confirm that we have received the required notification of charges from the Loudoun County Sheriff's Office regarding this case.

We request that LCSO forward a copy of the notification of charges, the date it was sent, and to whom it was addressed, directly to the superintendent and principal of Stone Bridge High School, as required by the Code of Virginia. Moving forward, we need a clear understanding of who in the Loudoun County Sheriff's Office will be responsible for communicating this required information with the superintendent and building principal.

We believe our partnership with LCSO is critical in ensuring a safe environment in our schools and overall community.

Best,

Dr. Scott A. Ziegler
Superintendent

Cc: Loudoun County School Board
Loudoun County Board of Supervisors
Col. Mark J. Poland, Loudoun County Sheriff's Office

SZ/mw

AMERICAN OVERSIGHT

EXHIBIT J

AMERICAN OVERSIGHT

Sheriff Michael L. Chapman

LOUDOUN COUNTY SHERIFF'S OFFICE

P.O. Box 7200, Leesburg, Virginia 20177-7200
803 Sycolin Road SE, Leesburg, Virginia 20175
Telephone 703-777-0407

November 10, 2021

Dr. Scott A. Ziegler
Superintendent
Loudoun County Public Schools
21000 Education Court
Ashburn, VA 20148

Dear Dr. Ziegler,

This letter is in response to correspondence I received from you on Friday, November 5, 2021 (Attachment #1). In your letter, you state that Loudoun County Sheriff's Office (LCSO) Colonel Mark Poland shared what "may be inaccurate information" to the Board of Supervisors at the November 3, 2021, meeting regarding a sexual assault that occurred at Stone Bridge High School on May 28, 2021. You detail a response by Colonel Poland to Supervisor Matt Letourneau's question as to whether Loudoun County Public Schools (LCPS) was notified of the arrest of the individual who committed the offense. Colonel Poland's response was, "They (LCPS) were absolutely notified."

You fixated your question on whether the arrest notification was made specifically by the LCSO – not on whether you had received "official notification" of the subject's July 9, 2021 arrest. Nothing in your letter addresses the following facts:

- That you knew of the alleged sexual offense the day it occurred.
- That despite a public statement at a School Board meeting on June 22, 2021 denying any knowledge of sexual assaults in any LCPS bathrooms, you sent an email on May 28, 2021 to members of the School Board advising them of the incident – thus invalidating your public statement (see Attachment #2).
- That LCPS was aware of the offense the day it occurred, and an official notification of the suspect's July 9, 2021 arrest was made to LCPS by Juvenile Intake as required by law.
- That LCPS was aware of the Juvenile Intake, Commonwealth Attorney, and Judicial process throughout this case.
- That despite knowing the serious nature of the offense, LCPS decided to place this individual back into (another) high school population.
- That the consequences of that decision resulted in a second student being victimized by the same defendant.

To address your concern more clearly, it is important to recognize Code of Virginia requirements and its application, as well as the sequence of events. You state, "Per the Code of Virginia, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such report, on **offenses**, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult." Unfortunately, two critical points were omitted from your letter.

AMERICAN OVERSIGHT

- The section you refer to, *Code of Virginia §22.1-279.3:1*, stipulates "offenses," not arrests. This offense was reported to the LCPS the day it occurred as evidenced by your email on May 28, 2021. You were unmistakably aware of the offense as you personally reported it to the School Board that same day.
- You failed to articulate that the July 9, 2021 arrest did not occur on LCPS grounds, but at Juvenile Intake while school was on summer recess. All investigations involving minors, that involve Juvenile Intake during the process (as did this case), **require** that Juvenile Intake provide notification to the LCPS regarding certain arrests (sexual assaults included). This is stipulated in §16.1-260 Section G of the Code of Virginia which states, "the intake officer **shall** file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court."

This process was properly followed as evidenced by the timeline of communications below:

- Just prior to the July 9, 2021 arrest, case investigator Detective Czekaj of the LCSO Special Victims Unit, communicated with Mr. Jason Bickmore of the Loudoun County Juvenile Court Service Unit (JCSU). She asked if "we" (LCSO) should make the arrest notification to LCPS. Mr. Bickmore advised that JCSU would make the notification as it is their responsibility to do so. In a post-arrest conversation between Detective Czekaj and Mr. Bickmore, Mr. Bickmore confirmed the notification was sent by letter to LCPS, which LCPS could then disseminate for safety purposes.
- On October 27, 2021, conversations about this case occurred between Sergeant Promisel and Mr. Bickmore (JCSU). On that date, Mr. Bickmore advised Sergeant Promisel that he was "surprised" that LCPS, in conjunction with the Commonwealth Attorney's Office, had determined to place the defendant in another school.
- The fact that all required notifications were made to LCPS was further validated on October 28, 2021, by Greg Davy, the Virginia Department of Juvenile Justice Public Information Officer, who was quoted by WTOP stating, *"notifications required by 16.1-260G of the Code of Virginia are met in the Loudoun District Court Service Unit by mailing a hard copy notification letter to the office of the District Superintendent of Schools."* It is critical for arrest notifications to be made under this Virginia law, by the JCSU, as many incidents involve arrests made by outside jurisdictions other than where the offender resides. Therefore, the JCSU, which is considered a state agency, can assure notifications are made to the proper school system.
- On October 28, 2021, Lieutenant Colonel Bobby Miller confirmed with Mr. Ira Holland, Director of Loudoun County Juvenile Court Service Unit, that a notification was made to LCPS. Mr. Holland stated, *"we followed the law."*
- Finally, on November 8, 2021, Mr. Bickmore informed Sgt. Promisel, that in late August 2021, he had conversations with both Mr. Doug Fulton, Director of School Administration, and Mr. Dave Spage, the Principal of Broad Run High School, regarding the defendant's court-ordered disposition.

The sequence of events and review of applicable Virginia Codes clearly demonstrate that you and your leadership staff at LCPS were aware of the offense; the suspect's arrest; and the judicial process involving the Commonwealth Attorney's Office, Juvenile Intake, and Juvenile Court from the time of the original sexual assault to the time of the defendant's conviction. Despite that, LCPS opted to place this individual in another school where a second sexual assault allegedly occurred. If there were any lapses in

AMERICAN OVERSIGHT

communication directly to you throughout this process that impacted your decision making, it would seem it occurred within LCPS' own administration.

Finally, I noticed that you commissioned an "independent" review, which I assume will be paid for by the LCPS using Loudoun County taxpayer dollars. You announced this a day after incoming Attorney General Jason Miyares stated publicly that he intends to investigate this incident. While I believe an independent review would be helpful, I have concerns of the legitimacy of such a review conducted at your direction. As the Attorney General is accountable to the citizens of Virginia, I feel an Attorney General review is the most objective way to move forward on this issue.

Please feel free to contact me if you have any questions or concerns. Thank you.

Sincerely,

Michael L. Chapman
Sheriff

cc: Loudoun County Public Schools School Board
Loudoun County Board of Supervisors

AMERICAN OVERSIGHT

EXHIBIT I

AMERICAN OVERSIGHT

From: [redacted]
Sent: Friday, March 12, 2021 9:55 PM
To: Atoosa Reaser <Atoosa.Reaser@lcps.org>; scott.ziegler@lcps.org <scott.ziegler@lcps.org>
Cc: mike.chapman@loudoun.gov <mike.chapman@loudoun.gov>; stephen.devita@lcps.org <stephen.devita@lcps.org>; Brenda Sheridan <brenda.sheridan@lcps.org>; ian.serotkin@lcps.org <ian.serotkin@lcps.org>; jeff.morse@lcps.org <jeff.morse@lcps.org>; harris.mahedavi@lcps.org <harris.mahedavi@lcps.org>; leslee.king@lcps.org <leslee.king@lcps.org>; john.beatty@lcps.org <john.beatty@lcps.org>; bos@loudoun.gov <bos@loudoun.gov>
Subject: Teacher bashing parents

Atoosa and Dr. Ziegler,

There is a group on Facebook called Anti-Racist Parents of Loudoun County.

As you can see in one post below, Beth Barts, not acknowledging she is not speaking on behalf of the board, started a frenzy of a conversation.

Soon thereafter, the other post and comments below began from this [redacted], better known as [redacted], a teacher at [redacted], to go after parents she "thinks" are against CRT.

This is not ok, by anybody, but from a teacher is unexceptionable. A student would be in trouble for this. Why isn't a teacher held accountable? Honestly, this post is beyond scary and disturbing. My heart has been pounding since this was brought to my attention. Are they coming after me because of my view they don't even know about? Do I need to keep guard at my front door? Maybe I should consider myself lucky because they don't know my "legal" name.

This needs to stop. This teacher threatening parents, to the point one just told me she has to tell her HR on Monday in fear of losing her job, is not ok.

I can't beg you enough; please make her stop. She is a teacher. And the fact that there are other board members in this group not putting it to a stop is shameful.

AMERICAN OVERSIGHT

Exhibit J

AMERICAN OVERSIGHT

PROFESSIONAL CONDUCT

The Loudoun County School Board expects all staff, as public employees, to recognize that they are in a position of public trust and are held to the highest standard of personal and professional conduct, serving as role models, influencing and shaping young lives, and representing the school division. It is the policy of the School Board to promote and foster work and educational environments that demonstrate the principles of respect, professionalism, civility, and inclusivity.

As stewards of the school division, employees are expected to convey these principles to students, parents, colleagues, and the school community through their actions and day-to-day activities during and after school or work hours, whether on or off school board property, including the property of any school, office, or facility. As public employees, it is important that employees are mindful of the potential impact of their behaviors and actions that occur outside of their job responsibilities and work hours.

A. Expectation of Professionalism. Employees are expected to perform all assigned job duties in accordance with performance standards and job-specific requirements (to include attendance-related policies, procedures, and guidelines). Employees are expected to conduct themselves professionally, to treat all individuals with dignity, respect, and civility, and to demonstrate a commitment to an inclusive, safe and supportive work and educational environment where individuals from diverse backgrounds work together to pursue the shared mission of the school division. Unacceptable behavior includes but is not limited to:

1. Bullying behavior against staff or students as defined in School Board Policy 7014 (Environments Free From Harassment, Discrimination, and Abuse) and School Board Policy 8250 (Bullying Prevention and Education);
2. Acts of physical violence or threats of violence or harm towards others;
3. Theft of any kind;
4. Shouting, yelling, or raising one's voice in a hostile, angry, or threatening manner;
5. Intentionally damaging school board or privately-owned property, or acts of negligence that result in damage to property;
6. Disrespectful, discourteous, uncivil, disparaging, or demeaning words, gestures or actions;
7. Using, selling, dispensing, possessing, manufacturing, or being under the influence of illegal drugs and narcotics or alcohol as defined in School Board Policy 7550 (Drug- and Alcohol-Free Workplace); or
8. Failure to adhere to School Board policies and regulations, state and federal laws and regulations, and school- or department-based procedures and guidelines.

B. Commitment to Equitable Treatment. The Loudoun County School Board is committed to an equitable and inclusive work and educational environment for employees and students. As outlined in the Superintendent's Statement on Equity, Loudoun County Public Schools reject racist and other racially motivated behavior and language, recognizing

AMERICAN OVERSIGHT

that it encourages discrimination, hatred, oppression, and violence. Employees are expected to support the school division's commitment to action-oriented equity practices through the performance of their job duties, as the Division engages in the disruption and dismantling of white supremacy, systemic racism, and language and actions motivated by race, religion, country of origin, gender identity, sexual orientation, and/or ability. Behavior that will not be tolerated includes but is not limited to:

1. Harassing or discriminatory comments or conduct including speech or other telephone, electronic, or social media communication that:

a. is motivated in whole or in part by a bias against an individual's race, national origin, ancestry, color, sex, sexual orientation, perceived sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, marital status, age, religion, disability, genetic information, or veteran status; or

b. can reasonably be interpreted as discriminatory, racially or ethnically derogatory, defamatory, or as undermining the views, positions, goals, policies or public statements of the Loudoun County School Board or its Superintendent when such comments or conduct create the reasonable apprehension of a disruption or disrupt the operations or efficiency of LCPS.

2. Use of racial insults or slurs regardless of intent. For example, it is unacceptable to use a racial insult or slur in responding to or addressing a situation in which an individual has used a racial insult or slur.

3. Any comments or actions that are not in alignment with the school division's commitment to action-oriented equity practices, and which impact an individual's ability to perform their job responsibilities or create a breach in the trust bestowed upon them as an employee of the school division. This includes on-campus and off-campus speech, social media posts, and any other telephonic or electronic communication.

C. Recognition of Appropriate Employee-Student Boundaries. Employees are expected to establish and maintain appropriate physical, social and emotional boundaries with students. Unacceptable behavior includes but is not limited to:

1. Grooming, Sexual Misconduct, and Sexual Abuse. Grooming is a method used by adults that involves building trust and/or attempting to build trust with children and/or adults for the purpose of developing an inappropriate relationship. Grooming, sexual misconduct, and sexual abuse are egregious breaches of an educator's professionalism and duty to protect children and are strictly prohibited.

a. Per School Board Policy 7530 (Duty to Report Child Abuse and Neglect), allegations of behaviors that constitute grooming, sexual misconduct, or other forms of abuse or neglect must be reported

AMERICAN OVERSIGHT

Child Protective Services (or Adult Protective Services, as applicable) and appropriate law enforcement agencies.

b. Behavior that violates this policy includes but is not limited to the following:

(i) Sexual or romantic invitations to students;
(ii) Dating students or soliciting dates with students;
(iii) Engaging in sexualized dialogue with students;
(iv) Making suggestive comments to students or in the known presence of students;
(v) Physical exposure of a sexual, romantic, or erotic nature;
(vi) Self-disclosure of a sexual or erotic nature to students or in the known presence of students; or
(vii) Sexual contact or inappropriate overtures to students whether they be physical, verbal, non-verbal, written or electronic.

c. Engaging in an intimate, romantic, or sexual relationship with a student after the student's graduation, combined with credible allegations of engaging in grooming behaviors with the student before graduation, will result in an investigation. Substantiation that such grooming behaviors occurred before the student's graduation will lead to disciplinary action up to and including termination.

2. Inappropriate or Intimate Social Relationships and Communication. The boundary of the employee-student relationship must be maintained at all times. Examples of behaviors that constitute an inappropriate or intimate social relationship or communication with a student include but are not limited to:

a. Conversations and comments of an intimate, romantic, or sexual nature;

b. Commentary on a student's physical appearance or clothing that could reasonably be interpreted as sexual, flirtatious, or harassing;

c. Physical contact with students that could reasonably be interpreted as sexual harassment or as having sexual or flirtatious intentions;

d. Telephonic or electronic communication, including social media contact, unrelated to school activities to include but not limited to connecting with, following, or friending students via social media or email accounts;

e. Prolonged, frequent, or private contact between an employee and student during or outside school hours that is unrelated to academics or school activities;

f. Singling out students for flirtation, friendship, or personal attention beyond the bounds of the employee-student relationship;

g. Singling out students for receipt of gifts;

AMERICAN OVERSIGHT

h. Transporting students in personal vehicles without the knowledge of a parent/guardian or a supervisor, outside of case-by-case approval by a supervisor for an exception to transport the student in the event of an emergency or unusual circumstance; or

i. Entering the home of a student without the knowledge of and presence of a parent/guardian.

All forms of contact and communication with students must be transparent, accessible to supervisors and parents, nonsexual, unambiguous in meaning, and professional in reference and content. If an employee feels that a student is contacting or engaging with them inappropriately or that the student is attempting to blur the line of their relationship, the employee will seek immediate guidance from their supervisor.

D. Duty To Report. Employees with supervisory responsibilities are expected to encourage professional, respectful, civil, equitable, and inclusive work and educational environments for employees and students, and to address issues of unprofessionalism. Employees who feel they have been subjected to conduct that may violate the expectations outlined within this policy, or who have witnessed such conduct, should notify their supervisor immediately. Students who feel they have been subjected to conduct that may violate the expectations outlined in this policy, or who feel they have witnessed such conduct, should notify a building administrator, school counselor, or the Department of Instruction's School Administration Office.

1. If the concern is about the employee's supervisor, the employee will report the complaint to the supervisor's supervisor, department head, or the Department of Human Resources and Talent Development.

2. Employees must also ensure they are following reporting requirements outlined in other relevant School Board policies to include but not limited to School Board Policy 7530 (Duty to Report Child or Student Abuse and Neglect) and School Board Policy 7550 (Drug- and Alcohol-Free Workplace). Any employee who becomes aware of sexual harassment by any means is obligated to immediately report it to their supervisor who will, in turn, report the matter to the Title IX Coordinator. Failure to follow reporting requirements is considered a violation of this policy.

3. Employees are also encouraged to report violations of LCPS's commitment to equitable treatment of students and staff to their immediate supervisor or principal.

E. Protected Speech. Nothing in this policy or any other policy shall be interpreted as abridging an employee's First Amendment right to engage in protected speech, however, based upon an individualized inquiry, speech, including but not limited to via social media, on matters of public concern may be outweighed by the school division's interest in the following:

1. Maintaining efficiency of the school system;

AMERICAN OVERSIGHT

2. Preventing disruption or a reasonable apprehension of a disruption of the learning and working environment;

3. Maintaining public trust and confidence at all times;

4. Fostering close personal relationships among and between staff and parents;

5. Promoting internal LCPS and external community harmony and peace; and

6. Establishing and maintaining a tranquil learning and working environment.

7. Achieving consistent application of the Board's and Superintendent's stated mission, goals, policies and directives, including protected class equity, racial equity, and the goal to root out systemic racism.

F. Provision Against Retaliation. Employees are prohibited from retaliating against an individual for raising concerns of potential violations of this policy. Individuals who knowingly make false complaints under this policy are subject to disciplinary action. Reasonable, good faith beliefs that this policy has been violated will not result in discipline if the concerns raised are later proven untrue.

Adopted: 10/10/72
Revised: 6/22/93, 4/26/16
Current Revision: xx/xx/xx

Legal Refs: § 22.1-291.4, § 1-276.01

Cross Refs: Policy 7014, Environments Free From Harassment, Discrimination and Abuse, Policy 7016, Employment Complaints, Policy 7312, Evaluation of Licensed, Classified, and Administrative Staff, Policy 7530, Duty to Report Child Abuse and Neglect, Policy 7550 Drug- and Alcohol-Free Workplace, Policy 8250, Bullying Prevention and Education, Duty to Report Sexual Harassment as provided by Title IX Regulations, 34 C.F.R. Part 106.

AMERICAN OVERSIGHT

EXHIBIT K

AMERICAN OVERSIGHT

From: Sullivan, Christy [VA]
To: Scott Ziegler
Cc: Sandy Sullivan; Byrd, Kelly [VA]; Sullivan, Christy [VA]
Subject: [EXTERNAL] RE: Regulations 7560 and 7030
Date: Thursday, October 1, 2020 9:23:33 AM

Scott,

How soon do you think we can get a copy of the staff changes to Policy 7560? We would like to review it tomorrow prior to the School Board meeting on Tuesday.

Also, we would appreciate a written reply to the email we sent you last Thursday.

Thank you.

Christy W. Sullivan
UniServ Director
Loudoun Education Association
19465 Deerfield Ave, Suite 206
Lansdowne VA 20176
703.858.7700
csullivan@veanea.org

From: Sullivan, Christy [VA] <CSullivan@veanea.org>
Sent: Thursday, September 24, 2020 3:50 PM
To: Scott Ziegler <Scott.Ziegler@lcps.org>
Cc: Sandy Sullivan <president@loudounea.org>; Byrd, Kelly [VA] <Kbyrd@veanea.org>; Sullivan, Christy [VA] <CSullivan@veanea.org>
Subject: Regulations 7560 and 7030

Scott,

I am responding to the statements you made about LEA during the School Board meeting on Tuesday. LEA did not receive proposed Policy 7560 ahead of time. LEA has always received all proposed Policies the same day immediately after they are sent to the SB HRTD committee. That has not been happening lately. You, Jeff Morse, and I even had email conversations about making sure that happened. Kelly was at the virtual SB HRTD meeting; the Policy was not discussed prior to public comments. You and I **briefly** talked about the Policy during a conversation about an HRTD employee issue. I stated LEA has seen cases in many of the areas cited in the Policy and that I hoped it would help. I don't believe Kelly or I said the policy was favorable. When a proposed policy comes out, Kelly, Sandy, and I review the Policy and get feedback from members. Sandy brought that feedback to the School Board meeting on Tuesday. At no time did LEA provide feedback and state this Policy was fine.

LEA does have concerns, the same concerns brought forward by School Board members at their last meeting. LEA agrees with Ms. Barts and Mr. Serotkin about Section 2 on page 3 not being clear

AMERICAN OVERSIGHT

enough for parents and students whose family are friends or friends with their own children. Ms. Corbo asked question on the other item LEA is concerned about. Section E, on pages 4 and 5 on Protected Speech, has brought forth a lot of emails from our members. The word **HOWEVER** at the end of line 173 makes it sound like employees have first amendment rights **HOWEVER** their first amendment rights might be outweighed by the school division's interest in the following, which goes on to seven additional points. The way this is written looks like LCPS is trying to limit what employees can talk about, even on matters of public concern. This section needs much clarification for employees to believe LCPS is not attempting to remove their Constitutional Right to free speech.

We would appreciate seeing the changes being made by staff prior the School Board taking action on the Policy at their next meeting.

Additionally, I sent you an email on August 21 (see below) with feedback on Regulation 7030 and I have yet to receive a response. We look forward to your response on Regulation 7030.

Scott, we may not always agree on wording. It is our hope LEA will receive a copy, which has been practice for a long time, of all proposed policies the same day they go the School Board or the SB HRTD committee. Timeliness will give LEA a few days prior to Policies being discussed at School Board meetings.

We look forward to your response.

Christy W. Sullivan
UniServ Director
Loudoun Education Association
19465 Deerfield Ave, Suite 206
Lansdowne VA 20176
703.858.7700
csullivan@veanea.org

From: Sullivan, Christy [VA]
Sent: Friday, August 21, 2020 3:07 PM
To: Scott Ziegler <Scott.Ziegler@lcps.org>
Cc: Sandy Sullivan <president@loudounea.org>; Kelly Byrd - VEA (Kbyrd@veanea.org) <Kbyrd@veanea.org>; Christy Sullivan <csullivan@veanea.org>
Subject: Regulation 7030

Scott,

Thank you for your explanation of the Regulation 7030 during our conversation yesterday. We are very concerned this was released during a pandemic when most employees are teleworking and there is no distinction in the regulation as to whom the new telework section applies to.

We do have some questions/concerns to share with you:

AMERICAN OVERSIGHT

D.1.a. Will all eligible positions *immediately* have the telework designation in their job description?

D.4.k. We have received the most complaints about the first sentence in k. Employees feels this statement is condescending and not necessary. Many teachers have wondered if this applied to them during the pandemic. Thank you for clarifying it does not. However, we would like the first sentence struck from this paragraph. It is condescending and unnecessary.

Please send us a copy of the telework agreement the employee and supervisor would sign.

I would appreciate your agreement that school-based positions are covered under section E. and not section D.

Why was this regulation released right now? It certainly has stirred up a hornet's nest since employees believe the entire regulation applies to them (including school-based employees).

I look forward to your reply; it will help us clarify this regulation when employees contact the LEA for clarification.

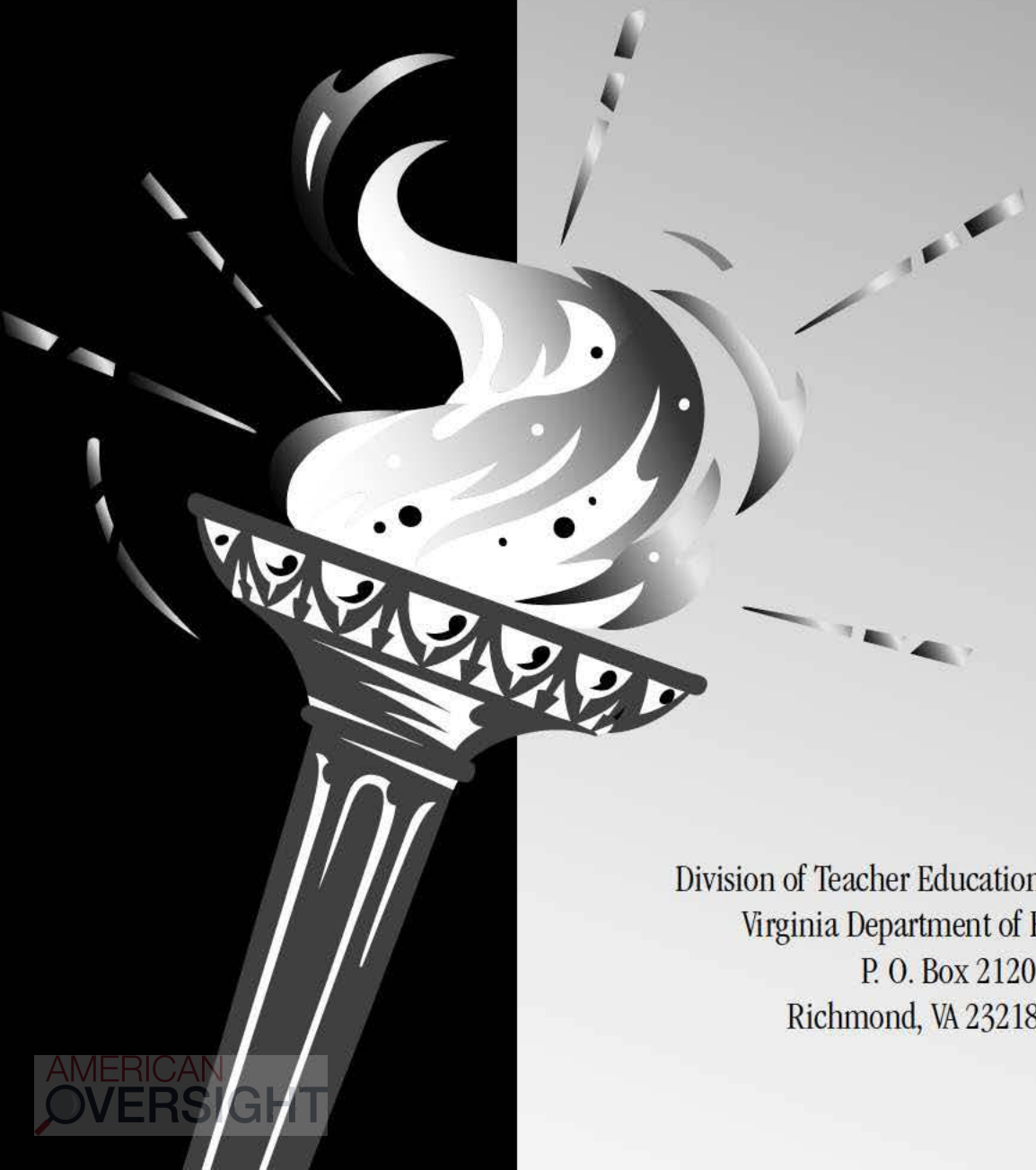
Christy W. Sullivan
UniServ Director
Loudoun Education Association
19465 Deerfield Ave, Suite 206
Lansdowne VA 20176
703.858.7700
csullivan@veanea.org

AMERICAN OVERSIGHT

Exhibit L

AMERICAN OVERSIGHT

Guidelines for UNIFORM PERFORMANCE STANDARDS and Evaluation Criteria for Teachers, Administrators, and Superintendents



Division of Teacher Education and Licensure
Virginia Department of Education
P. O. Box 2120
Richmond, VA 23218-2120

AMERICAN OVERSIGHT

VA-22-0316-A-000222

Guidelines for UNIFORM PERFORMANCE STANDARDS and Evaluation Criteria for Teachers, Administrators, and Superintendents

Guidelines Developed in Response to
Education Accountability and Quality Enhancement Act of 1999
(HB 2710 and SB 1145)

Adopted by the Virginia Board of Education
January 6, 2000

Division of Teacher Education and Licensure
Virginia Department of Education
P. O. Box 2120
Richmond, VA 23218-2120

AMERICAN OVERSIGHT

Foreword

Recent education reform efforts in Virginia include: (1) the revision of the Standards of Learning in four basic subject areas—English, mathematics, science, and history and social science, (2) implementation of new tests to assess the performance of students, schools, and school divisions, (3) revision of the state's standards of accreditation to establish clear expectations and consequences for students and school performance, and (4) the development of a school report card. These reform efforts clearly effect the role and expectations of teachers, administrators, and superintendents. The *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents* were developed as a result of the Virginia education reform efforts and the 1999 Education Accountability and Quality Enhancement Act (HB2710 and SB1145) approved by the Virginia General Assembly and signed into law by Governor Gilmore.

These guidelines provide the framework for school divisions to use to develop evaluation criteria for teachers, administrators including instructional central office personnel and principals, and division superintendents. They are intended to provide guidance for school boards in the development of evaluation policies and procedures. Through these guidelines, the role and expectations of those individuals having the most effect on student learning and achievement will become clearer. They also provide continuity between the roles of teachers and administrators and their impact on student achievement.

It is anticipated that the Department of Education will continue the next phase of this initiative by developing prototype instruments in the three areas. These sample instruments may be used to guide school division personnel in designing evaluation tools for annual personnel performance. In the meanwhile, as you review and use The *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents*, please inform us of comments that may enhance this effort by contacting the Division of Teacher Education and Licensure, Virginia Department of Education, at (804) 371-2522.

AMERICAN OVERSIGHT
VA-22-0316-A-000224

AMERICAN OVERSIGHT
VA-22-0316-A-000225

Table of Contents

Acknowledgements 2

Background

Introduction 5

Rationale 6

Development Process 7

Intended Use 7

Evaluation Criteria for Teachers, Administrators, and Superintendents

Introduction to the Evaluation Criteria 11

Descriptions of Major Categories 11

Definition of Evaluation Criteria 12

Teacher Evaluation Criteria 12

Administrator Evaluation Criteria 14

Superintendent Evaluation Criteria 15

Recommendations for Implementation

Next Steps for Use by Local School Divisions 19

Recommendations for Integrating Student Learning in Educator Evaluation 20

References 22

Appendices

Appendix A - Teacher Evaluation Criteria and Performance Indicators 25

Appendix B - Administrator Evaluation Criteria and Performance Indicators 32

Appendix C - Superintendent Evaluation Criteria and Performance Indicators 40

AMERICAN OVERSIGHT

VA-22-0316-A-000226

Acknowledgments

Personnel in the Virginia Department of Education acknowledge with appreciation the contributions of many educators in developing the Proposed Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents. The Department of Education also acknowledges the exemplary work of the Advisory Committee on Teacher Education and Administrator Evaluation representing division superintendents, principals, teachers, school division central offices, higher education, school boards, and professional organizations.

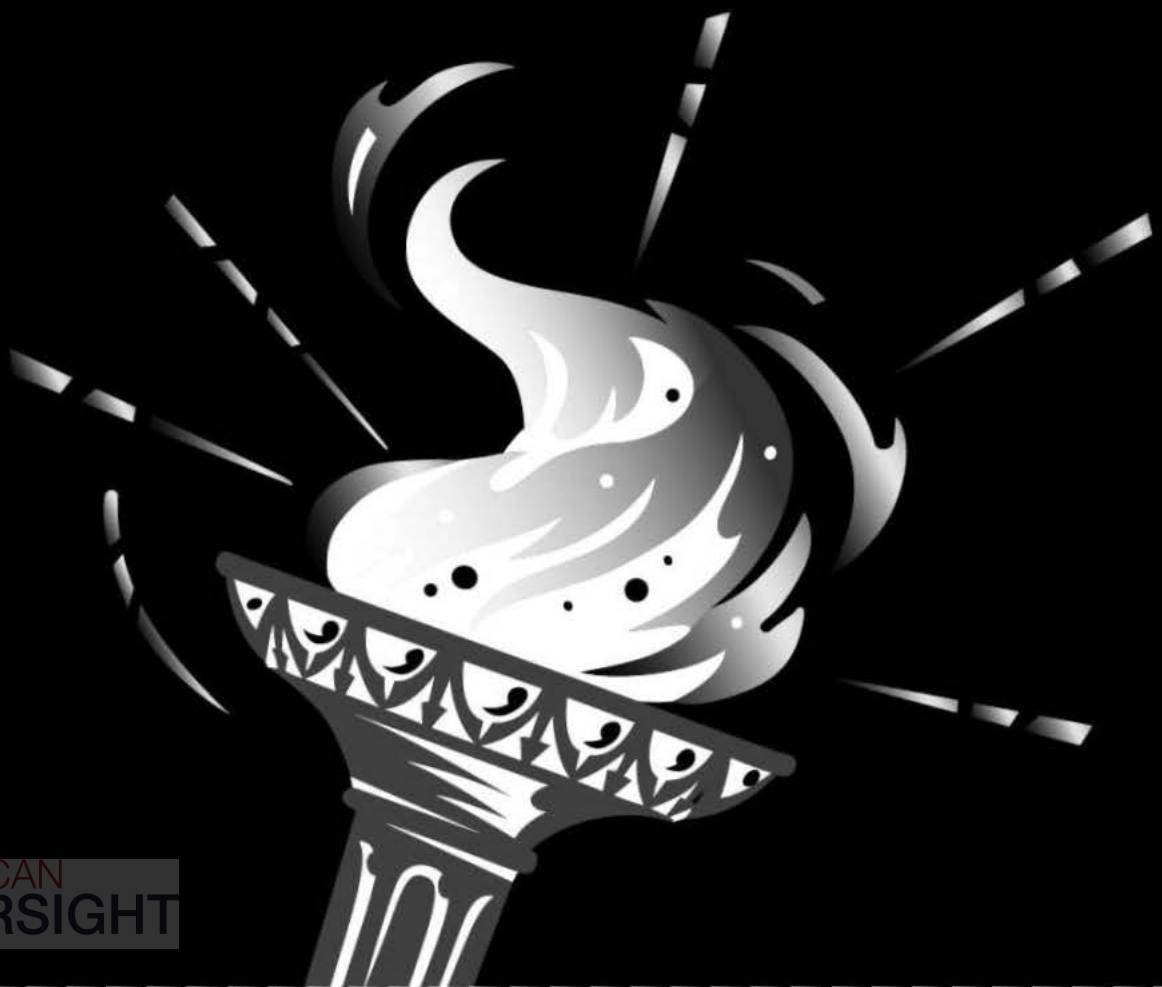
Appreciation is extended to Susan T. Noble, member of the Board of Education and Board of Education Liaison to the Advisory Board on Teacher Education and Licensure, for her contributions in the development of the guidelines. Special thanks also go to James H. Stronge, Heritage Professor, Educational Policy, Planning, and Leadership, School of Education, The College of William and Mary; Pamela Tucker, Assistant Professor, Department of Leadership, Foundations, and Policy, University of Virginia; and Michael DiPaola, Associate Professor, Educational Planning, Policy, and Leadership, School of Education, The College of William and Mary, who served as facilitators for the task force in developing the proposed guidelines.

Questions or inquiries about this document should be directed to Dr. Thomas A. Elliott, Assistant Superintendent, Division of Teacher Education and Licensure, Virginia Department of Education, P. O. Box 2120, Richmond, VA 23218-2120.

AMERICAN OVERSIGHT

VA-22-0316-A-000227

Background



AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Proposed Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents

Proposed Guidelines Developed in Response to Education Accountability and Quality Enhancement Act of 1999 (HB 2710 and SB 1145)

Introduction

The expectations of public education have changed substantially in the last quarter century. Schools and school personnel at all levels must respond in a direct and convincing manner to address rigorous academic expectations for all students. Schools are expected to teach all children, regardless of the level of skills or personal circumstances they present, to a high level of academic achievement for the unfolding information age. In order to succeed in this most important endeavor, schools must modify their standard service delivery model to adapt to individual student learning needs. Everyone from classroom teachers to school division superintendents, must make the learning of every student the priority driving all other professional responsibilities. Teachers must make instruction meaningful and effective for children at all academic levels. Principals must focus the collective efforts of all school personnel on the primary goal of improving student learning. Superintendents and central office personnel must plan and support instructional programs that facilitate student achievement at the school and classroom levels.

The *Education Accountability and Quality Enhancement Act of 1999* (HB 2710, SB 1145) passed by the Virginia General Assembly mandates the development of strategies to recognize and develop these heightened responsibilities of educators. This Act addresses the evaluation and training of teachers, assistant principals, principals, central office personnel, and superintendents, with a primary focus on student achievement and safety. Additionally, the mentoring of new teachers and those experiencing difficulties is included as part of the training continuum for all teachers. Salary supplements for teachers receiving National Board Certification are also part of this legislation, with the intent of recognizing truly exceptional classroom teachers. Collectively, the elements of this legislation offer supportive strategies for educators to become more productive and educationally accountable.

The sections of the *Education Accountability and Quality Enhancement Act* applicable to personnel evaluation are as follows:

Superintendent evaluation: The Board of Education shall develop guidelines for uniform performance standards and criteria to be used by local school boards in evaluating superintendents. These standards and criteria shall include, but not be limited to, assessing teacher and administrator skills and knowledge, improving student academic progress, providing for school safety, and enforcing student discipline. (§22.1-60.1)

Administrator evaluation: Each local school board shall adopt for use by the division superintendent clearly defined criteria for a performance evaluation process for principals, assistant principals, and supervisors that includes, among other things, an assessment of such administrators' skills and knowledge; student academic progress and school gains in student learning; and effectiveness in addressing school safety and enforcing student discipline. (§22.1-294)

Instructional personnel evaluation: School boards shall develop a procedure for use by division superintendents and principals in evaluating instructional personnel that is

AMERICAN OVERSIGHT
VA-22-0316-A-000230

> appropriate to the tasks performed and addresses, among other things, student academic progress and the skills and knowledge of instructional personnel, including, but not limited to, instructional methodology, classroom management, and subject matter knowledge. (§22.1-295)

This document sets forth the basic framework for the educator evaluation component of the *Education Accountability and Quality Enhancement Act.*

Rationale

Evaluation criteria can have powerful symbolic value because they embody the values and expectations of the public regarding the functions of school personnel, particularly regarding teaching and learning. If those criteria are then used as a yardstick to judge the effectiveness of educators, they help to focus assessment efforts on self-growth, instructional effectiveness, and improvement of overall job performance. The use of clear evaluation criteria for teachers, principals, central office administrators, and superintendents serves as a foundation for a fair and comprehensive evaluation system that provides sufficient detail and definition so that educators and their supervisors can reasonably understand job expectations.

The evaluation criteria delineated herein were developed as a direct effort of the Virginia Department of Education to provide meaning and to give substance to the *Education Accountability and Quality Enhancement Act*, based on the collective expertise of the State Advisory Committee selected for this purpose. The Advisory Committee's work was developed with the intent of designing a document that integrates the multiple strands of the accountability reform efforts currently underway in Virginia, including the following key purposes:

- Design evaluation criteria that are consistent with and supportive of Virginia's Standards of Learning and Standards of Accreditation and that encompass other state statutory and policy requirements;
- Develop evaluation criteria that encourage educators and policymakers to focus on performance in key areas of student achievement and safety;
- Create a seamless approach to connecting
  - new employee mentoring
  - job expectations
  - job performance
  - employee evaluation
  - employee professional development (performance improvement)
  - school improvement;
- Clarify expectations for educators who are new to the positions of teacher, assistant principal, principal, central office administrator, and superintendent;
- Provide a context for improving employee performance (e.g., opportunity to describe and discuss performance with supervisors, peers, mentors, and other experienced educators);
- Design evaluation criteria that are consistent with pre-service teacher and administrator preparation programs;
- Provide structure and guidelines that facilitate quality evaluations and encourage consistency across schools and school divisions;
- Provide a structure for focusing improvement efforts within and across Virginia's schools; and
- Focus attention and resources on student learning in a comprehensive and concerted fashion.

AMERICAN OVERSIGHT

VA-22-0316-A-000231

Development Process

To respond to the many provisions of the *Education Accountability and Quality Enhancement Act*, the Virginia Department of Education enlisted the assistance of consultants from The College of William and Mary and the University of Virginia with expertise in the area of personnel evaluation. The consultants provided background research and assistance with development of the evaluation guidelines for consideration by the Department of Education's staff and the State Advisory Committee. The consultants were also charged with reviewing national standards for the evaluation of teachers, principals, and superintendents to provide a solid foundation for the evaluation criteria guidelines to be used in Virginia.[1] In addition, current evaluation criteria used in selected Virginia school divisions and school districts across the country were examined with the purpose of embedding widely respected professional standards in Virginia's evaluation framework while also reflecting the educational priorities set forth by the General Assembly.

The Advisory Committee was composed of superintendents, principals, teachers, professors of education, community members, and representatives of professional organizations that have expertise to offer the process and who hold a vested interest in a well-articulated evaluation system. The committee met during the summer and fall of 1999 to offer direction in the development process and reactions to proposed evaluation criteria. Based on guidance from the committee and the Department of Education, this document was developed.

Intended Use

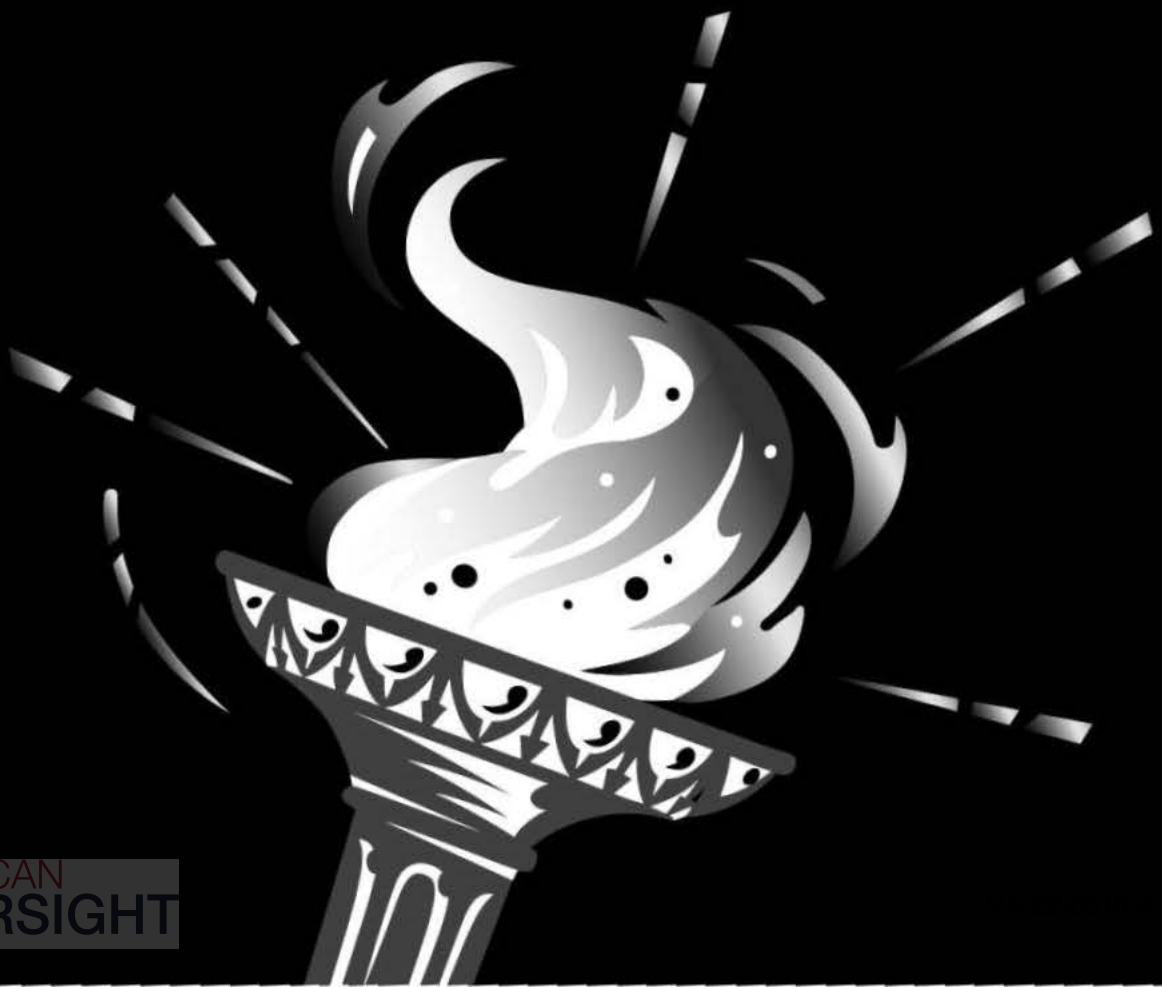
As set forth in the *Education Accountability and Quality Enhancement Act*, these evaluation criteria are intended to provide guidance for local school boards to consider in the development of evaluation policies and procedures for superintendents, building and central office administrators, and teachers. They are intended to reflect the priorities of the Board of Education and provide recommended guidelines for use in school divisions; however, they are not intended to be prescriptive in nature.

1 *Primary professional association standards consulted in the design of this work included those of the American Association for School Administrators, the Interstate School Leaders Licensure Consortium, and the Interstate New Teacher Assessment and Support Consortium*.

AMERICAN OVERSIGHT
VA-22-0316-A-000232

AMERICAN OVERSIGHT
VA-22-0316-A-000233

Evaluation Criteria for Teachers, Administrators, and Superintendents



AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Evaluation Criteria for Teachers, Administrators, and Superintendents

Introduction to the Evaluation Criteria

The *Education Accountability and Quality Enhancement Act of 1999* requires the development of "defined criteria for a performance evaluation process" for teachers, principals, assistant principals, supervisors, and division superintendents. During the development process, the Advisory Committee agreed that sets of evaluation criteria were necessary for three distinct roles: a) teacher; b) principal, assistant principal, and supervisor; and c) division superintendent. While there are differences in the roles of principals, assistant principals, and central office supervisors for instruction, the committee found that their actual job responsibilities often are similar, varying in scope but not substantially in content. As a result, a common set of evaluation criteria was written for the principal, assistant principal, and central office supervisor. They are referred to collectively as the "Administrator" criteria.

The framework for evaluation criteria is organized by five major categories that reflect primary responsibilities of educational personnel. The five general categories for division superintendents, administrators (principals, assistant principals, and supervisors), and teachers are listed below. While they are substantially similar, they differ where necessary to reflect the scope and focus of the work for each position.

Descriptions of Major Categories

1. **Planning and Assessment.** For teachers, this category includes the responsibilities for evaluating and providing students with feedback that encourages student progress and measures student achievement. Based on a variety of assessments, content knowledge, and student knowledge, the teacher plans appropriate instruction.

   For administrators and superintendents, this category includes responsibilities for assessing instructional programs and personnel and for planning responsive improvement plans to promote student learning.

2. **Instruction.** For teachers, this category encompasses the critical skills that determine the quality of classroom instruction. The major responsibilities include implementing a variety of activities consistent with instructional objectives and selecting instructional methods compatible with students' abilities, prior knowledge, and learning styles.

   For administrators and superintendents, this category is termed **Instructional Leader-**

Major Categories of Evaluation Criteria

Teachers

- Planning and Assessment
- Instruction
- Safety and Learning Environment
- Communication and Community Relations
- Professionalism

Administrators and Superintendents

- Planning and Assessment
- Instructional Leadership
- Safety and Organizational Management for Learning
- Communication and Community Relations
- Professionalism

AMERICAN OVERSIGHT
VA-22-0316-A-000236

ship and focuses on the support and leadership provided in the areas of personnel, curriculum, and staff development for the explicit purpose of enhancing instructional programs.

3. **Safety and Learning Environment.** The category of safety and learning environment includes the teachers' responsibilities for planning and demonstrating effective routines and procedures that create an organized and positive learning environment.

   For administrators and superintendents, this category is called **Safety and Organizational Management for Learning** and refers to responsibilities for the management and oversight of the organization's operations and climate, with particular attention to ensuring safety and meaningful student learning.

4. **Communication and Community Relations.** The category of communication and community relations describes the responsibilities of teachers to use effective communication strategies in working with students, parents, and members of the community to promote broad support for student learning.

   For administrators and superintendents, this category refers to the use of a systematic method of two-way communication to promote understanding, support, and continuous improvement of the organization's programs and services within schools and the larger community.

5. **Professionalism.** This final category speaks to the basic responsibilities of all professional educators and defines the responsibilities for demonstrating a commitment to professional ethics and growth and for complying with school divisions' policies and procedures.

Definition of Evaluation Criteria

The framework for the evaluation criteria of the three professional roles of teacher, administrator, and division superintendent is defined using a three-tiered description:

- Major Categories of Evaluation Criteria,
- Evaluation Criteria, and
- Performance Indicators.

The three levels of specificity are intended to describe the responsibilities of each role with sufficient detail and accuracy so that teachers, administrators, and superintendents can reasonably understand the job expectations. The major categories of evaluation criteria described above are further defined with specific evaluation criteria listed in the next three sections, one for each role. In addition to the evaluation criteria, sample performance indicators are provided in Appendix A for teachers, Appendix B for administrators, and Appendix C for superintendents.

TEACHER Evaluation Criteria

Planning and Assessment

- **The teacher** designs coherent instruction based upon knowledge of subject matter, students, the community, and curriculum goals.
- **The teacher** plans instruction to achieve desired objectives that reflect the Virginia Standards of Learning and division curriculum guidelines.
- **The teacher** diagnoses individual, group, and program needs and selects appropriate materials and resources to match the abilities and needs of all students.

AMERICAN OVERSIGHT

VA-22-0316-A-000237

- **The teacher** uses a variety of assessment strategies and instruments to make both short-term and long-range instructional decisions to improve student learning.

- **The teacher** identifies and communicates specific student performance expectations and documents student learning gains using appropriate assessment instruments.

Instruction

- **The teacher** understands the central concepts, tools of inquiry, and structures of the discipline he or she teaches and creates learning experiences that make the subject matter meaningful for all students.

- **The teacher** understands how students differ in their approaches to learning and is able to differentiate instruction to meet diverse student needs.

- **The teacher** uses comprehensive materials, technology, and resources that promote the development of critical thinking, problem solving, and performance skills.

- **The teacher** selects, evaluates, and refines a variety of teaching methods and instructional strategies for the active engagement of students and improvement of student learning.

Safety and Learning Environment

- **The teacher** actively implements a discipline policy that fosters a safe and positive environment for students and staff.

- **The teacher** manages classroom procedures to maximize academic learning time.

- **The teacher** establishes and maintains rapport with students.

- **The teacher** creates a supportive learning environment for all students that encourages social interaction, active engagement in learning, and self-motivation.

Communication and Community Relations

- **The teacher** uses effective verbal, nonverbal, and media communication techniques to foster positive interactions in the classroom.

- **The teacher** forges partnerships with families to promote student learning at home and in the school.

- **The teacher** works collaboratively with staff, families, and community resources to support the success of a diverse student population.

Professionalism

- **The teacher** models professional, moral, and ethical standards as well as personal integrity in all interactions.

- **The teacher** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

- **The teacher** works in a collegial and collaborative manner with peers, school personnel, and the community to promote and support student learning.

- **The teacher** provides service to the profession, the division, and the community.

AMERICAN OVERSIGHT

VA-22-0316-A-000238

ADMINISTRATOR

Evaluation Criteria: Principals, Assistant Principals, and Central Office Instructional Personnel

Planning and Assessment

- **The administrator** effectively employs various processes for gathering, analyzing, and using data for decision making.
- **The administrator** collaboratively develops and implements a school improvement plan that results in increased student learning.
- **The administrator** plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.
- **The administrator** develops plans for effective allocation of fiscal and other resources.

Instructional Leadership

- **The administrator** communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.
- **The administrator** supervises the alignment, coordination, and delivery of assigned programs and/or curricular areas.
- **The administrator** selects, inducts, supports, evaluates, and retains quality instructional and support personnel.
- **The administrator** provides staff development programs consistent with program evaluation results and school instructional improvement plans.
- **The administrator** identifies, analyzes, and resolves problems using effective problem-solving techniques.

Safety and Organizational Management for Learning

- **The administrator** maintains effective discipline and fosters a safe and positive environment for students and staff.
- **The administrator** effectively coordinates the daily operation of the assigned area of responsibility.
- **The administrator** effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.
- **The administrator** demonstrates effective organizational skills to achieve school, community, and division goals.

Communication and Community Relations

- **The administrator** promotes effective communication and interpersonal relations with students and staff.
- **The administrator** promotes effective communication and interpersonal relations with parents and other community members.
- **The administrator** works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

AMERICAN OVERSIGHT
VA-22-0316-A-000239

Professionalism

- **The administrator** models professional, moral, and ethical standards as well as personal integrity in all interactions.
- **The administrator** works in a collegial and collaborative manner with other administrators, school personnel, and the community to promote and support the mission and goals of the school division.
- **The administrator** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.
- **The administrator** provides service to the profession, the division, and the community.

SUPERINTENDENT
Evaluation Criteria

Planning and Assessment

- **The superintendent** effectively employs various processes for gathering, analyzing, and using data for decision making.
- **The superintendent** organizes the collaborative development and implementation of a division strategic plan based on analysis of data from a variety of sources.
- **The superintendent** plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.
- **The superintendent** develops plans for effective allocation of fiscal and other resources.

Instructional Leadership

- **The superintendent** communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.
- **The superintendent** oversees the alignment, coordination, and delivery of assigned programs and/or curricular areas.
- **The superintendent** selects, inducts, supports, evaluates, and retains quality instructional and support personnel.
- **The superintendent** provides staff development programs consistent with program evaluation results and school instructional improvement plans.
- **The superintendent** identifies, analyzes, and resolves problems using effective problem-solving techniques.

Safety and Organizational Management for Learning

- **The superintendent** actively supports a safe and positive environment for students and staff.
- **The superintendent** develops procedures for working with the board of education that define mutual expectations, working relationships, and strategies for formulating division policies.
- **The superintendent** effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.
- **The superintendent** demonstrates effective organizational skills to achieve school, community, and division goals.

AMERICAN OVERSIGHT
VA-22-0316-A-000240

Communication and Community Relations

- **The superintendent** promotes effective communication and interpersonal relations within the school division.
- **The superintendent** establishes and maintains effective channels of communication with board members and between the schools and community, strengthening support of constituencies and building coalitions.
- **The superintendent** works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

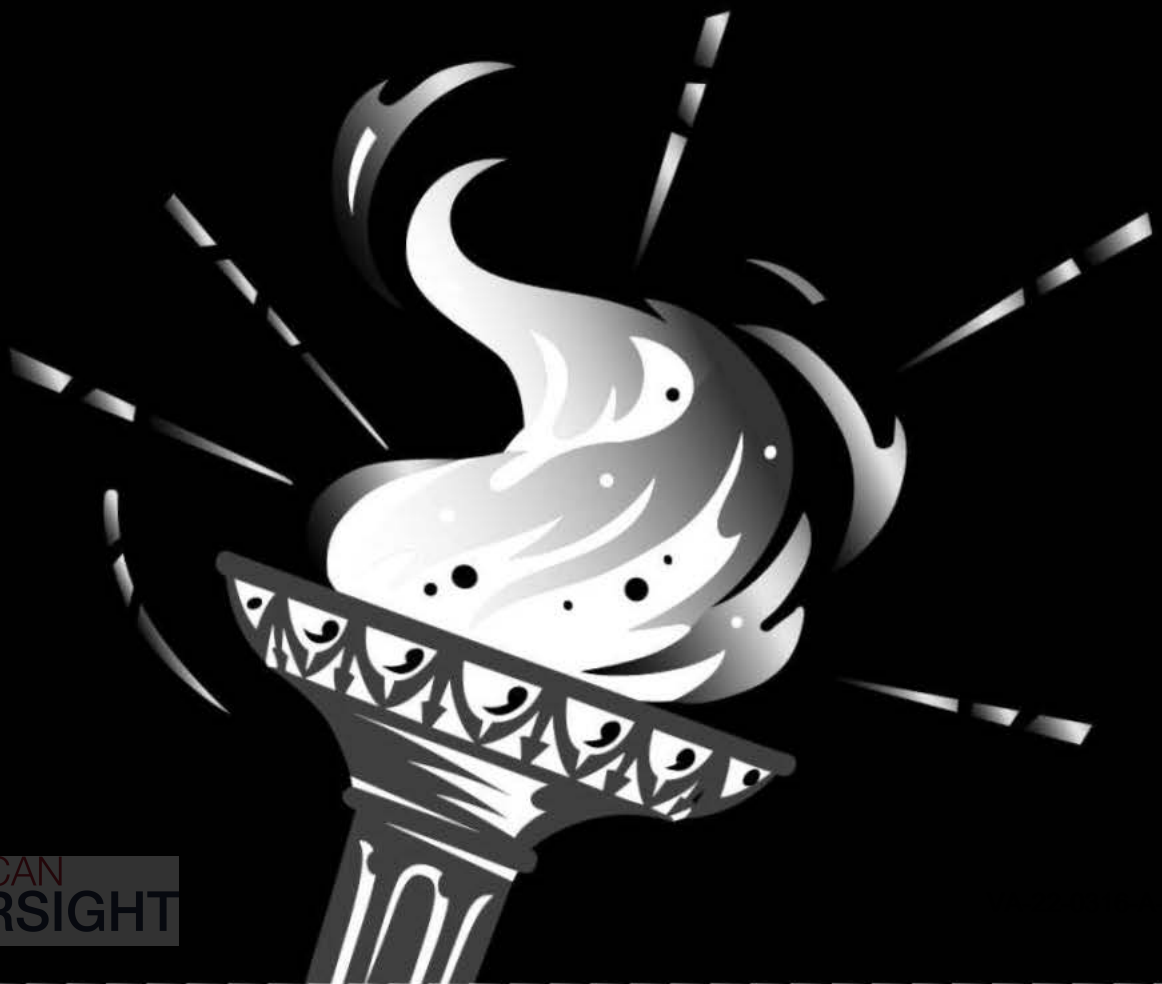
Professionalism

- **The superintendent** models professional, moral, and ethical standards as well as personal integrity in all interactions.
- **The superintendent** works in a collegial and collaborative manner with school personnel and the community to promote and support the mission and goals of the school division.
- **The superintendent** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.
- **The superintendent** provides service to the profession, the division, and the community.

AMERICAN OVERSIGHT

VA-22-0316-A-000241

Recommendations for Implementation



AMERICAN OVERSIGHT

Recommendations for Implementation

Next Steps for Use by Local School Divisions

Local school boards must become familiar with their responsibilities as specified by the *Education Accountability and Quality Enhancement Act of 1999* and devise an implementation plan for compliance. One section of the Act (§22.1-294 B.) requires the adoption of "defined criteria for a performance evaluation process" for professional educators. The evaluation criteria recommended in this document may be modified or used as is by local school divisions to achieve that goal. School divisions are urged to consider their organizational goals and review their policy on evaluation carefully before proceeding with a review of their evaluation system and criteria. Policy should reflect organizational goals, and division goals should shape the job descriptions for all employees within the division. Using job descriptions as a starting point, the evaluation criteria offered in these guidelines then can be used to define further the expectations of teachers, principals, assistant principals, supervisors, and school superintendents.

If guidelines are used to modify existing personnel evaluation system:

- Review these guidelines for consistency with local policy for personnel evaluation, stated purposes of evaluation, and substance of existing evaluation criteria.
- Make modifications to the existing evaluation system based on the requirements of the *Education Accountability and Quality Enhancement Act of 1999*, these guidelines, and local needs.
- Give special consideration to the integration of student learning measures in the evaluation of professional educators.

If guidelines are used to develop new personnel evaluation system:

- Review guidelines for consistency with local policy for personnel evaluation and stated purposes of evaluation.
- Consider evaluation criteria and descriptors based on job descriptions.
- Modify evaluation criteria and descriptors to reflect local goals, job descriptions, and priorities.
- Select appropriate information collection strategies such as
  - observations - scheduled/unscheduled, in class/other arenas;
  - client surveys - students, parents, peers;
  - review of documents - lesson plans, grade books, parent communication, etc.;
  - goal statements and evidence of achievement;
  - miscellaneous - discipline referrals, test results, knowledge of professional contributions, community support;
  - measures of student learning.
- Delineate a schedule for information collection and evaluation reports, including
  - differentiation for tenured and non-tenured professionals,
  - number and timing of information collection strategies,

AMERICAN OVERSIGHT
VA-22-0316-A-000244

- calendar for administering evaluation system with deadlines for evaluation summaries.

- Develop a rating scale for judging performance, including
  - choice of terms,
  - definition of terms.
- Define a performance improvement process for professional educators identified as needing remedial assistance.
- Develop necessary guidelines and forms, including
  - observation forms,
  - client survey forms,
  - interim evaluation forms,
  - summative evaluation forms,
  - improvement assistance plan.

Recommendations for Integrating Student Learning in Educator Evaluation[2]

1. *Use student learning as only one component in an educator evaluation system that is based on multiple data sources.*

Measures of student learning are vitally important in judging the effectiveness of teachers, administrators, and superintendents, but they should never serve as the sole source for evaluating performance. Rather, multiple sources of information should be considered in order that a more complete picture of performance can be developed. Such multiple data sources might include formal and informal observations, client surveys, artifacts of performance, goal setting, and other relevant sources of performance information. Student learning measures should be considered in conjunction with these other sources to provide a full and comprehensive portrait of the educator's performance.

2. *When judging educator effectiveness, consider the context in which schooling occurs.*

There are circumstances in which educators have done everything possible to enhance student learning, but conditions beyond their control prevent maximum learning benefits by students. Thus, consideration should be given to student mobility, absenteeism, and other variables beyond the control of the educator. The entire system of support, including staff training, availability of mentors, conducive work spaces, instructional resources, community support, and other important matters cannot be overlooked in attributing responsibility for learning.

---

2 *These recommendations are adapted from: Stronge, J. H., & Tucker, P. D. (2000). Teacher evaluation and student achievement. Washington, DC: National Education Association.*

AMERICAN OVERSIGHT
VA-22-0316-A-000245

3. Use measures of student growth versus a fixed achievement standard or goal.

Very few human endeavors are judged in terms of fixed goals; more typically, they are based on growth and progress toward stated goals. Even in the hard-nosed world of business, performance is judged based on a variety of economic indicators and comparisons to projected growth. The same paradigm should be used in education, with an acknowledgment of learning inhibitors and comparisons to projected learning growth. This approach requires the use of pre- and post-testing to determine progress rather than the attainment of predetermined pass rates or proficiency levels. While there is a place and purpose for fixed standards, such as learning to read at an acceptable level, fixed standards must be regarded skeptically when applied to personnel evaluation.

4. Compare learning gains from one point in time to another for the same students, not different groups of students.

If teachers, administrators, and superintendents are to be held accountable for student learning, then it is critical that patterns of student learning be established - not single snapshots. Repeated measures of student learning over time enhance reliability from a statistical point of view and credibility from a decision-making perspective.

5. Use fair and valid measures of student learning.

If student learning measures are to be used for the evaluation of educators, then they must conform to professional standards of practice. Specifically, the use of student assessment measures in evaluating educator performance should be

- ***valid.*** "Any measure of student performance, whether used for formative or summative evaluation, should be sensitive to (be able to detect) the impacts of what teachers and schools do; that is, measures of student learning should have instructional validity. If they do not ... then it would be hard to justify their use for either teacher or school evaluation of any kind."[3]

- ***reliable.*** The assessment measure should produce adequately consistent (i.e., reliable) results across time and across scorers. One of the key issues to consider when making decisions about educator performance is inter-rater reliability among evaluators.

- ***free from bias.*** Student achievement data should be used in an objective, fair, and impartial manner, and should not be interpreted or used capriciously.

- ***comparable.*** No educator "... should be disadvantaged compared with any other based on factors beyond their control."[4]

3 *McConney, A. A., Schalock, M. D., & Schalock, H. D. (1997), page 177.*

4 *McConney, A. A., Schalock, M. D., & Schalock, H. D. (1997), page 178.*

AMERICAN OVERSIGHT
VA-22-0316-A-000246

References

American Asssociation of School Administrators. (1993). *Professional standards for the superintendency.* Alexandria, VA: Author.

Council of Chief State School Officers. (1996, November 2). *Interstate School Leadership Licensure Consortium: Standards for School Leaders.* Washington, DC: Author.

Interstate New Teacher Assessment and Support Consortium. (1991). *Model standards for beginning teacher licensing and development: A resource for state dialogue* (Working draft). Washington, DC: Council of Chief State School Officers.

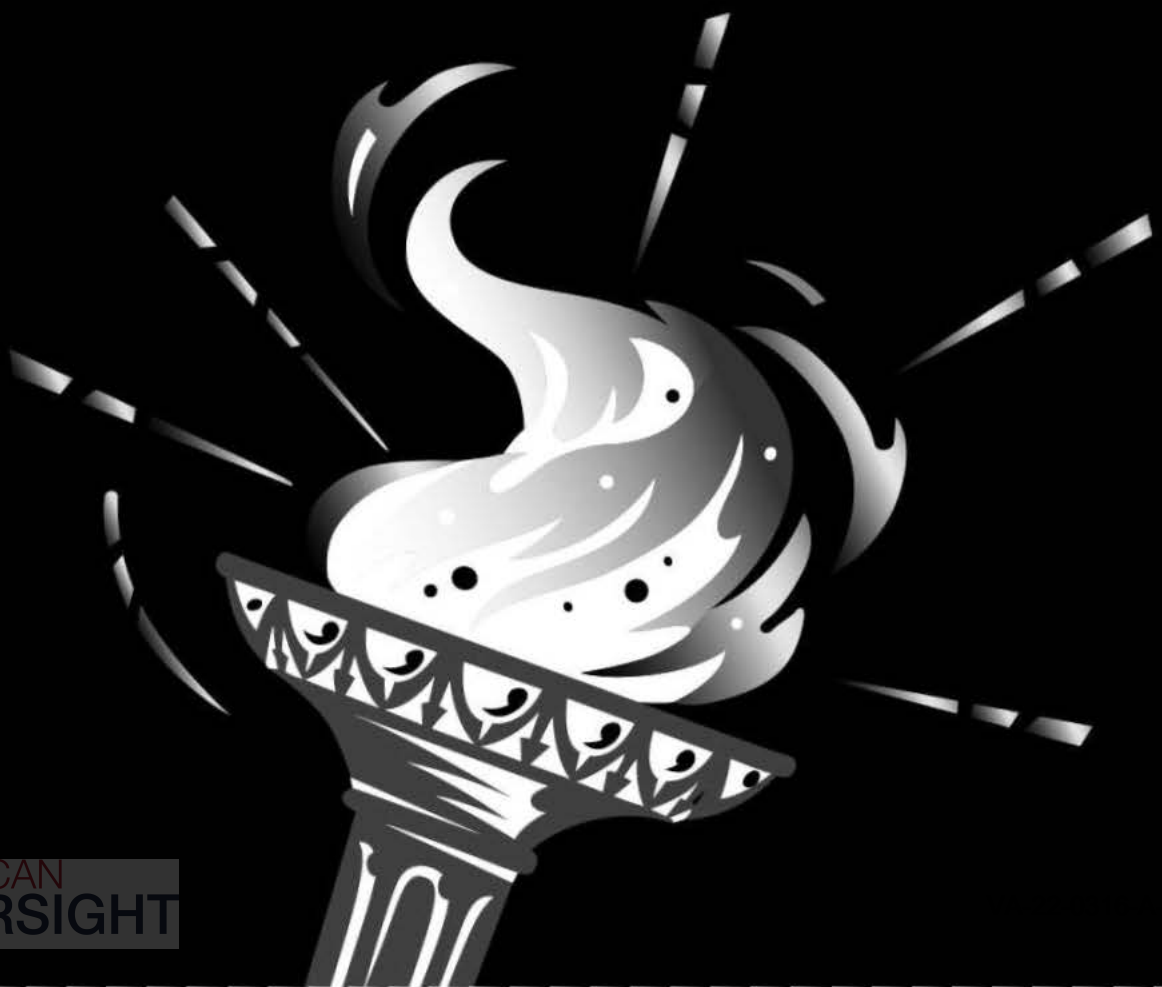
McConney, A. A., Schalock, M. D., & Schalock, H. D. (1997). Indicators of student learning in teacher evaluation. In J. H. Stronge (Ed.), *Evaluating teaching: A guide to current thinking and best practice* (pp. 162-192). Thousand Oaks, CA: Corwin Press.

Stronge, J. H., & Tucker, P. D. (2000). *Teacher evaluation and student achievement.* Washington, DC: National Education Association.

AMERICAN OVERSIGHT

VA-22-0316-A-000247

Appendices



AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Appendix A

Teacher Evaluation Criteria and Performance Indicators

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The teacher designs coherent instruction based upon knowledge of subject matter, students, the community, and curriculum goals.

Sample Performance Indicators:

The teacher...

- bases instruction on goals that reflect high expectations, conceptual understanding of the subject, and the importance of learning.
- matches content/skills taught to overall curriculum scope and sequence.
- uses assessment feedback to monitor and adjust instruction.
- links objectives for instruction to prior student learning.
- reflects the goals and needs of the school and community in planning.
- uses available resources to link student learning to the community.

The teacher plans instruction to achieve desired objectives that reflect the Virginia Standards of Learning and division curriculum guidelines.

Sample Performance Indicators:

The teacher...

- selects appropriate student objectives for lessons consistent with division guidelines and the Virginia Standards of Learning.
- designs appropriate learning activities that are clearly connected to instructional objectives.
- develops lesson plans that are clear, logical, and sequential.

The teacher diagnoses individual, group, and program needs and selects appropriate materials and resources to match the abilities and needs of all students.

Sample Performance Indicators:

The teacher...

- plans instruction appropriate to the developmental level and needs of students.
- demonstrates knowledge of resources and methods appropriate to serving students with special learning needs.
- arranges/adapts classroom setting to accommodate individual and group learning needs.
- assists students in planning, organizing, and preparing for assignments, long-range projects, and tests.
- is sensitive and responsive to the diversity of individuals and groups within the classroom.

AMERICAN OVERSIGHT

VA-22-0316-A-000250

The teacher uses a variety of assessment strategies and instruments to make both short-term and long-range instructional decisions to improve student learning.

Sample Performance Indicators:

The teacher...

- monitors student understanding on an ongoing basis and adjusts teaching when necessary.
- utilizes multiple assessment practices congruent with instructional goals both in content and process.
- effectively uses both teacher-made and standardized tests as appropriate.
- uses student products as a source for assessment and instructional decisions.
- demonstrates competence in the use of acceptable grading/ranking/scoring practices in recording and reporting student achievement.
- maintains and uses organized records of student progress for instructional decisions.

The teacher identifies and communicates specific student performance expectations and documents student learning gains using appropriate assessment instruments.

Sample Performance Indicators:

The teacher...

- communicates clear expectations for learning and behavior to students and parents.
- uses pre-assessment data in developing expectations for students and as a basis for documenting learning gains.
- provides prompt and meaningful feedback to students about performance and progress.
- prepares tests that reflect the academic content studied.
- provides opportunities for students to contribute to the development of criteria and standards as appropriate.
- incorporates strategies to prepare students for SOL and standardized testing.

Instruction

The teacher understands the central concepts, tools of inquiry, and structures of the discipline he or she teaches and creates learning experiences that make the subject matter meaningful for all students.

Sample Performance Indicators:

The teacher...

- communicates a belief that all students can learn.
- exhibits an understanding of and facility in explaining the subject area(s) taught.
- uses appropriate literature and current resources and materials in the subject area(s).
- encourages the academic curiosity and critical thinking of students.
- modifies instruction to make topics relevant to students' lives and experiences.
- demonstrates ability to engage and maintain students' attention and to recapture or refocus it as necessary.
- provides clear and concise explanations of lessons.
- checks for understanding with questions, review activities, and various assessment strategies.

AMERICAN OVERSIGHT

VA-22-0316-A-000251

The teacher understands how students differ in their approaches to learning and is able to differentiate instruction to meet diverse student needs.

Sample Performance Indicators:

The teacher...

- selects materials and media that match learning styles of individual students.
- provides for the instructional needs of all students, including remedial and enrichment/ extension activities as necessary.
- utilizes flexible grouping practices to respond to the diverse learning needs of students.
- collaborates with resource teachers in developing activities for students with special learning needs.
- encourages students to build on strengths while developing all areas of competence.
- paces instruction appropriately with adequate preview and review of instructional components.
- uses a variety of teaching strategies, including cooperative, peer and project-based learning, audiovisual presentations, lecture, discussions and inquiry, practice and application, and the teaching of others.
- demonstrates respect for individual, cultural, religious, and racial differences of individuals and groups within the classroom.

The teacher uses comprehensive materials, technology, and resources that promote the development of critical thinking, problem solving, and performance skills.

Sample Performance Indicators:

The teacher...

- evaluates curricular materials for accuracy, currency, and student interest.
- provides students with materials and media that are appropriate and challenging for their instructional levels.
- encourages and guides the development of problem-solving skills and independent thinking in students.
- utilizes available technological materials and resources effectively to engage students in varied learning experiences.
- provides opportunities for guided practice and hands-on technology application.
- demonstrates competence in the Technology Standards for Instructional Personnel.

The teacher selects, evaluates, and refines a variety of teaching methods and instructional strategies for the active engagement of students and improvement of student learning.

Sample Performance Indicators:

The teacher...

- solicits comments, questions, examples, and other contributions from students throughout lessons.
- uses questioning strategies effectively.
- provides opportunities for guided and independent practice.
- responds positively to student questions and active engagement.

AMERICAN OVERSIGHT
VA-22-0316-A-000252

- implements instructional opportunities in which students are interacting with ideas, materials, teachers, and one another.
- reteaches material and/or accelerates instruction based on assessment to pace instruction appropriately for interest and engagement.
- implements curriculum experiences to encourage students to reflect on and take increasing responsibility for their own learning.

Safety and Learning Environment

The teacher actively implements a discipline policy that fosters a safe and positive environment for students and staff.

Sample Performance Indicators:

The teacher...

- establishes effective classroom rules and procedures.
- communicates clear expectations about behavior to students and parents.
- implements and enforces disciplinary procedures with fairness and consistency.
- encourages students in developing self-discipline and conflict resolution skills.
- recognizes and celebrates the achievements of students and staff.
- is knowledgeable of and complies with local, state, and federal safety regulations.
- manages emergency situations as they occur.

The teacher manages classroom procedures to maximize academic learning time.

Sample Performance Indicators:

The teacher...

- plans purposeful assignments for teacher assistants, substitute teachers, student teachers, and others to ensure continuous student engagement in learning.
- structures transitions in an efficient and constructive manner.
- creates and maintains a physical setting that minimizes disruption and promotes learning and safety.
- handles administrative routines quickly and efficiently.
- has all material readily available to allow for the smooth flow of instruction.

The teacher establishes and maintains rapport with students.

Sample Performance Indicators:

The teacher...

- treats students with respect.
- communicates personal enthusiasm for learning.
- models caring, fairness, humor, courtesy, respect, and active listening.
- demonstrates concern for students' emotional and physical well-being.
- seeks and uses information about student interests and opinions.
- develops and maintains positive interactions with students in all school settings.

AMERICAN OVERSIGHT
VA-22-0316-A-000253

The teacher creates a supportive learning environment for all students that encourages social interaction, active engagement in learning, and self-motivation.

Sample Performance Indicators:

The teacher...

- encourages students to respect themselves and others.
- communicates clear expectations for appropriate interactions among students.
- models enthusiasm for and engagement in learning.
- encourages students to take pride in good work.
- enhances students' feelings of self-worth.
- incorporates principles of equal opportunity and non-discrimination into classroom management.
- provides equitable opportunities for student learning.
- promotes multicultural awareness, gender sensitivity, and the appreciation of diversity within the classroom.

Communication and Community Relations

The teacher uses effective verbal, nonverbal, and media communication techniques to foster positive interactions in the classroom.

Sample Performance Indicators:

The teacher...

- uses precise language, correct vocabulary and grammar, and acceptable forms of oral and written expression.
- articulates clear learning goals and instructional procedures to students.
- gives directions that are clear and reasonable and contain an appropriate level of detail.
- uses a variety of media communication tools to enrich learning opportunities.
- models effective communication strategies in conveying ideas and information.
- provides support for student expression in speaking, writing, and other media.

The teacher forges partnerships with families to promote student learning at home and in the school.

Sample Performance Indicators:

The teacher...

- responds promptly to parental concerns.
- demonstrates flexibility in planning meetings with parents.
- promotes parental involvement in the classroom and school.

AMERICAN OVERSIGHT
VA-22-0316-A-000254

- shares major instructional goals for the year with parents.
- initiates communication with parents or guardians concerning student progress or problems in a timely manner.
- establishes regular channels of communication between school and home.
- offers strategies for parents to assist in their children's education.

The teacher works collaboratively with staff, families, and community resources to support the success of a diverse student population.

Sample Performance Indicators:

The teacher...

- is sensitive to the social and cultural background of students and parents.
- uses multiple modes of communication to provide information to parents.
- encourages parent and community involvement in classroom activities.
- collaborates with staff, families, and community members to respond to identified needs of individual students and groups of students.
- promotes the value of understanding and celebrating school/community cultures.
- supports community partnerships and uses community resources to enhance learning.
- works with community members in carrying out school and community-sponsored functions.

Professionalism

The teacher models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The teacher...

- relates to colleagues, parents, and others in an ethical and professional manner.
- represents the school/program favorably in the school division/community.
- uses acceptable written and oral language.
- resolves concerns and problems in a constructive manner.
- maintains confidentiality appropriate to teaching assignment.
- maintains a professional demeanor and appearance.
- works in the best interest of the students, the school, and the community.

The teacher takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The teacher...

- participates in professional growth activities including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.

AMERICAN OVERSIGHT
VA-22-0316-A-000255

- evaluates and identifies areas of personal strength and weakness related to professional skills and their effect on student learning and sets goals for improvement of skills and professional performance.

- maintains a high level of personal knowledge regarding new developments and techniques, including technology, in the field of professional specialization.

- comprehends and applies current literature that enhances knowledge of educational issues, trends, and practices.

- collaborates with colleagues to improve and enhance instructional knowledge and skills.

- maintains proper licensure and certification.

The teacher works in a collegial and collaborative manner with peers, school personnel, and the community to promote and support student learning.

Sample Performance Indicators:

The teacher...

- demonstrates flexibility and a collaborative attitude in supporting co-workers/work team.

- maintains effective working relationships with other teachers.

- works collaboratively with other staff members to plan for individual student learning and alignment of goals and standards across classrooms and grade levels.

- makes a positive contribution to the overall climate of the school and division.

- supports school and division-wide programs and activities.

- considers the interests and needs of other teachers and community stakeholders in promoting and supporting district goals and services.

- shares ideas and information with other teachers, school personnel, and community stakeholders.

The teacher provides service to the profession, the division, and the community.

Sample Performance Indicators:

The teacher...

- serves on school, division, state, and/or national committees.

- maintains an active role in professional and community organizations.

- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.

- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.

- organizes, facilitates, and presents at local, state and/or national conferences.

- supports and participates in efforts to align school and division goals and activities with community endeavors.

AMERICAN OVERSIGHT
VA-22-0316-A-000256

Appendix B

Administrator Evaluation Criteria and Performance Indicators

(Principals, Assistant Principals, and Central Office Instructional Personnel)

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The administrator effectively employs various processes for gathering, analyzing, and using data for decision making.

Sample Performance Indicators:

The administrator...

- applies current research related to effective techniques for gathering data from individuals, groups, and programs.
- gathers and analyzes data on student academic achievement through standardized test results and other student performance sources.
- identifies strengths and weaknesses in programs and practices to facilitate continuous improvement.
- applies and communicates statistical findings.
- plans and implements changes in programs and/or curricula based on data.
- conducts annual analyses of school's test and subtest scores by grade and discipline.

The administrator collaboratively develops and implements a school improvement plan that results in increased student learning.

Sample Performance Indicators:

The administrator...

- ensures the development and implementation of a biennial school plan approved by the superintendent.
- works collaboratively with faculty and staff to develop a vision and mission consistent with the division strategic plan.
- supports the mission by identifying, articulating, and planning to meet the educational needs of students, staff, and other stakeholders.
- works collaboratively to develop long- and short-range goals and objectives consistent with needs assessment data.
- evaluates the effects of changes on student achievement and provides feedback on goal achievement and needs for improvement.
- keeps abreast of current literature regarding school reform.
- supports staff through the stages of the change process.
- maintains stakeholders' focus on long-range mission and goals throughout the implementation process.

AMERICAN OVERSIGHT

VA-22-0316-A-000257

The administrator plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement in the Standards of Learning.

Sample Performance Indicators:

The administrator...

- demonstrates a working knowledge and understanding of the Standards of Learning and school division curricular requirements.
- articulates curricular goals and objectives to staff and other stakeholders.
- assists with the development of a comprehensive curriculum utilizing goals and objectives in alignment with the Standards of Learning.
- works with staff to plan, implement, evaluate, and revise the curriculum on a systematic and ongoing basis.
- demonstrates knowledge of and applies current research related to best practices in curriculum and instruction.
- provides resources and materials to accomplish instructional goals for all students.
- facilitates programs/curricular changes to meet state or federal requirements.
- monitors and assesses the effect of the programs and/or curricula on student achievement.
- implements division testing program for students.
- uses varied assessment data to ensure that instructional programs are responsive to students' academic needs.

The administrator develops plans for effective allocation of fiscal and other resources.

Sample Performance Indicators:

The administrator...

- meets and works collaboratively with appropriate staff to determine budget needs and priorities.
- prioritizes budget requests to meet the needs of assigned curriculum/program(s).
- meets and works collaboratively with appropriate staff to determine priorities for effective allocation of space as well as human and other resources.
- monitors and assesses resource allocation.
- revises resource allocation plans based on implementation data.

Instructional Leadership

The administrator communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.

Sample Performance Indicators:

The administrator...

- articulates a vision and works collaboratively to develop a mission and programs consistent with the division's strategic plan.
- emphasizes positive student achievement and continuous improvement.
- analyzes current academic achievement and teaching methods to make appropriate educational decisions and improve classroom instruction.

AMERICAN OVERSIGHT
VA-22-0316-A-000258

- monitors the delivery of appropriate remediation and intervention for students.
- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.
- shares evaluation data and subsequent plans for continuous improvement with staff, students, and other stakeholders.
- commits resources to the achievement of the mission and goals.
- demonstrates strong motivation and high standards and models self-evaluation.
- communicates commitment to protecting academic instructional time.
- recognizes, encourages, and celebrates excellence among staff and students.

The administrator supervises the alignment, coordination, and delivery of assigned programs and/or curricular areas.

Sample Performance Indicators:

The administrator...

- works with staff to develop a written plan for the coordination and articulation of curricular goals.
- meets and works with staff on a regular basis to identify needs and determine priorities regarding program delivery.
- provides direction and support in planning and implementing activities and programs consistent with continuous improvement efforts and attainment of instructional goals.
- monitors coordination of instructional programs with state and local standards.
- demonstrates and applies knowledge of effective instructional models and strategies.
- identifies best instructional practices for student groups with identified needs.
- provides instructional resources, materials, training, and support to accomplish instructional goals.

The administrator selects, inducts, supports, evaluates, and retains quality instructional and support personnel.

Sample Performance Indicators:

The administrator...

- maintains and disseminates a current handbook of personnel policies and procedures.
- establishes and uses selection procedures that ensure fairness and equity in selecting the best candidates.
- makes recommendations regarding personnel decisions consistent with established policies and procedures.
- establishes and implements formal and informal induction procedures to promote assistance for and acceptance of new employees.
- sets high standards for staff performance.
- evaluates performance of personnel consistent with division policies, provides formal and informal feedback, and maintains accurate evaluation records.
- evaluates instructional alignment with the Standards of Learning to ensure students' successful attainment of the knowledge and skills indicated.
- evaluates classroom practices and methods for improvement of instruction.

AMERICAN OVERSIGHT
VA-22-0316-A-000259

- provides support and resources for staff to improve job performance, and recognizes and supports the achievements of highly effective staff members.

The administrator provides staff development programs consistent with program evaluation results and school instructional improvement plans.

Sample Performance Indicators:

The administrator...

- leads the development and implementation of a systematic professional development plan for individuals and for the school.
- involves school staff in identifying staff development needs based on student achievement data.
- provides staff development that supports effective instruction.
- shares knowledge and information about new, improved, or alternative methods of instruction and related issues.
- meets with instructional teams and teachers regularly to discuss ongoing school improvement efforts.
- shares program evaluation results and demonstrates connection of results to ongoing staff development efforts.
- disseminates information about conferences, course work, and membership in professional organizations.
- supports staff participation in internal and external professional development opportunities as appropriate.

The administrator identifies, analyzes, and resolves problems using effective problem-solving techniques.

Sample Performance Indicators:

The administrator...

- identifies and addresses problems in a timely and effective manner.
- demonstrates fairness in identifying multiple points of view around problem situations.
- involves stakeholders in analyzing problems and developing solutions.
- monitors implementation of problem resolutions.
- provides shared leadership and decision-making opportunities for staff that promote a climate of collaboration and collegiality.
- delegates responsibility appropriately to staff members.
- maintains focus on school and division missions and goals.
- promotes an atmosphere of mutual respect and courtesy.

Safety and Organizational Management for Learning

The administrator maintains effective discipline and fosters a safe and positive environment for students and staff.

Sample Performance Indicators:

The administrator...

- ensures a safe, secure, orderly, clean, and attractive school environment.

AMERICAN OVERSIGHT
VA-22-0316-A-000260

- clearly communicates expectations regarding behavior to students, staff, and parents.
- clearly communicates procedures for handling disciplinary problems.
- implements and enforces school division code of conduct and appropriate disciplinary procedures in a timely and consistent manner.
- establishes effective programs through which students develop self-discipline and conflict resolution skills.
- calmly and effectively manages emergency situations as they occur.
- is proactive in addressing potential problem situations.
- consistently conveys mutual respect, concern, and high expectations to students, staff, and parents.
- recognizes students and staff for their academic, co-curricular, personal, and professional achievements.

The administrator effectively coordinates the daily operation of the assigned area of responsibility.

Sample Performance Indicators:

The administrator...

- organizes staff to conduct daily routines efficiently, use space effectively, and ensure appropriate instructional time.
- publicizes routines and procedures through handbooks, orientation sessions, and other means.
- protects academic instructional time from unnecessary interruptions.
- organizes schedule to keep time students are out of class to a minimum.
- monitors and provides supervision for all programs and activities.
- oversees the general maintenance, upkeep, and appearance of the school (building administrators only).
- monitors established routines and use of facilities on a regular and timely basis (building administrators only).

The administrator effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.

Sample Performance Indicators:

The administrator...

- follows federal, state, and local statutes, regulations, policies, and procedures.
- collaboratively plans and prepares a fiscally responsible budget to support the organization's mission and goals.
- establishes and uses accepted procedures for receiving and disbursing funds.
- maintains records of receipts and disbursements of all funds handled.
- keeps staff informed about status of budget requests, equipment purchases, and materials ordered.
- monitors the efficient use of instructional resources.
- works with staff to establish an effective schedule for use of shared resources.
- accurately maintains personnel records.

AMERICAN OVERSIGHT
VA-22-0316-A-000261

- maintains current record of licensure, endorsement, and in-service training completed by staff.
- adheres to established evaluation schedules, timelines, and procedures.

The administrator demonstrates effective organizational skills to achieve school, community, and division goals.

Sample Performance Indicators:

The administrator...

- demonstrates and communicates a working knowledge and understanding of school division policies and procedures.
- ensures compliance and follow-through regarding policies and procedures.
- uses personal time to the best advantage, manages scheduling effectively, and follows task to completion.
- performs duties in an accurate and timely manner.
- maintains accurate student records to ensure that criteria for promotion/placement/instructional intervention are included.
- maintains accurate drop-out records to work towards drop-out prevention.
- efficiently and appropriately prioritizes and addresses multiple issues and projects.
- maintains an acceptable work space.

Communication and Community Relations

The administrator promotes effective communication and interpersonal relations with students and staff.

Sample Performance Indicators:

The administrator...

- promotes a climate of trust within the school.
- facilitates constructive and timely communication.
- initiates communication and facilitates cooperation among staff regarding curriculum or program initiatives.
- models professionally appropriate communication skills, interpersonal relations, and conflict mediation.
- maintains visibility and accessibility to staff.
- solicits staff input to discuss issues and goals and to promote effective decision-making.
- establishes and maintains a collaborative relationship with classroom teachers, specialists, and administrators in promoting the division's mission and in communicating expectations.

The administrator promotes effective communication and interpersonal relations with parents and other community members.

Sample Performance Indicators:

The administrator...

- communicates school and division goals, objectives, and expectations to stakeholders.

AMERICAN OVERSIGHT
VA-22-0316-A-000262

- maintains visibility and accessibility to parents and the community.
- uses multiple modes of communication to notify stakeholders of issues, events, and useful information regarding curriculum and programs in a timely manner.
- clarifies collaborative roles of school and home in promoting student learning and meeting curricular goals.
- communicates evidence of progress toward goals and objectives.
- monitors the development and distribution of staff and student handbooks.
- uses acceptable written and oral language.

The administrator works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Sample Performance Indicators:

The administrator...

- plans for and solicits parent and community member input.
- promotes the development of community partnerships.
- encourages parental and community involvement in promoting school goals.
- collaborates with staff, families, and community leaders and responds to identified needs of individual students and groups of students.
- seeks grants and other community resources to support school goals.
- treats people with respect.
- models and promotes multicultural awareness, gender sensitivity, and the appreciation of diversity in the school-community.
- promotes the value of understanding and celebrating school and community cultures.

Professionalism

The administrator models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The administrator...

- relates to co-workers, customers/clients, and others in an ethical and professional manner.
- represents the school/office/program favorably in the school division/community.
- resolves concerns and problems in an appropriate manner.
- respects and maintains confidentiality and assumes responsibility for personal actions.
- maintains a professional demeanor and appearance appropriate to responsibilities.

The administrator works in a collegial and collaborative manner with other administrators, school personnel, and the community to promote and support the mission and goals of the school division.

Sample Performance Indicators:

The administrator...

- demonstrates flexibility and a collaborative attitude in supporting colleagues/work teams.

AMERICAN OVERSIGHT
VA-22-0316-A-000263

- supports the organization and advances the mission/goals.
- supports division-wide programs and activities and makes a positive contribution to the overall climate of the school and division.
- maintains effective working relationships with other administrators and staff.
- shares ideas and information and considers the interests and needs of other administrators and community stakeholders in promoting and supporting district goals and services.

The administrator takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The administrator...

- participates in professional growth activities, including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.
- evaluates and identifies areas of personal strength and weakness related to professional skills and their impact on student learning.
- sets goals for improvement of skills and professional performance.
- maintains a high level of personal knowledge regarding new developments and techniques, including technology, in one's own field of professional specialization.
- comprehends and applies current research of educational issues, trends, and practices.
- networks with colleagues to share knowledge about effective educational practices and to improve and enhance administrative knowledge, skills, and organizational success.
- maintains proper licensure and certification.

The administrator provides service to the profession, the division, and the community.

Sample Performance Indicators:

The administrator...

- serves on division, state, and/or national committees and maintains an active role in professional organizations.
- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.
- organizes, facilitates, and presents at local, state and/or national conferences.
- supports and participates in efforts to align school and division goals and activities with community endeavors.

AMERICAN OVERSIGHT
VA-22-0316-A-000264

Appendix C

Superintendent Evaluation Criteria and Performance Indicators

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The superintendent effectively employs various processes for gathering, analyzing, and using data for decision making.

Sample Performance Indicators:

The superintendent...

- applies current research related to effective techniques for gathering data from individuals, groups, programs, and the community, and uses reliable data in making decisions.
- reviews analyses of student academic achievement through standardized test results and other academic sources.
- provides staff with data in a collaborative effort to determine needs for improvement.
- applies and communicates statistical findings to identify strengths and weaknesses in programs and practices in order to ensure continuous improvement.
- plans and implements changes in programs and/or curricula based on data.
- reviews annual analyses of division's test and sub-test scores by school and discipline in order to assess school improvement and monitor improvement plans.

The superintendent organizes the collaborative development and implementation of a division strategic plan based on analysis of data from a variety of sources.

Sample Performance Indicators:

The superintendent...

- provides leadership in the development of a shared vision for educational improvement and of a strategic plan to attain that vision.
- implements strategies for the inclusion of staff and various stakeholders in the planning process.
- supports the division's mission by identifying, articulating, and planning to meet the educational needs of students, staff, and other stakeholders.
- works collaboratively to develop long- and short-range goals and objectives consistent with the school division's strategic plan and monitors progress in achieving long- and short-range goals and objectives.
- provides feedback to principals on goal achievement and needs for improvement.
- supports staff through the stages of the change process.
- maintains stakeholders' focus on long-range mission and goals throughout the implementation process.

AMERICAN OVERSIGHT

VA-22-0316-A-000265

The superintendent plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.

Sample Performance Indicators:

The superintendent...

- demonstrates a working knowledge and understanding of the Standards of Learning and division curricular requirements.
- supports the development of a comprehensive curriculum utilizing goals and objectives in alignment with the Standards of Learning.
- oversees the planning, implementation, evaluation, and revision of the curriculum on a systematic and ongoing basis.
- provides resources and materials to accomplish instructional goals for all students.
- facilitates programs/curricular changes to meet state or federal requirements.
- monitors and assesses the effect of the programs and/or curricula on student achievement.

The superintendent develops plans for effective allocation of fiscal and other resources.

Sample Performance Indicators:

The superintendent...

- acquires, allocates, and manages division resources in compliance with all laws to ensure the effective and equitable support of all of the division's students, schools, and programs.
- allocates resources consistent with the mission and strategic plan of the division.
- meets and works collaboratively with the board and appropriate staff to determine priorities for budgeting and for the effective allocation of space and human resources.
- utilizes human and material resources outside the division that may support and/or enhance the achievement of goals and objectives.
- monitors and assesses resource allocation.
- revises resource allocation plans based on implementation data.

Instructional Leadership

The superintendent communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.

Sample Performance Indicators:

The superintendent...

- demonstrates personal commitment to achieving the mission of the school division.
- articulates a shared vision to all constituencies and ensures that staff members are working in concert with the division's strategic plan.
- informs members of the board and community of current research related to best practices in curriculum and instruction.
- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.
- shares evaluation data and subsequent plans for continuous improvement with staff, students, and other stakeholders.
- recognizes, encourages, and celebrates excellence among staff and students.

AMERICAN OVERSIGHT
VA-22-0316-A-000266

- demonstrates strong motivation and high standards and models self-evaluation.

The superintendent oversees the alignment, coordination, and delivery of assigned programs and/or curricular areas.

Sample Performance Indicators:

The superintendent...

- articulates curricular goals, objectives, and frameworks to staff and other stakeholders.
- works with staff to develop a written plan for the coordination and articulation of curricular goals.
- works with the board, staff, and community representatives to identify needs and determine priorities regarding program delivery.
- provides direction and support in planning and implementing activities and programs consistent with continuous improvement efforts and attainment of instructional goals.
- monitors coordination of instructional programs with state and local standards.
- facilitates the effective coordination and integration of division curricular and co-curricular programs.

The superintendent selects, inducts, supports, evaluates, and retains quality instructional and support personnel.

Sample Performance Indicators:

The superintendent...

- maintains and disseminates a current handbook of personnel policies and procedures.
- establishes and uses selection procedures that ensure fairness and equity in selecting the best candidates.
- makes recommendations regarding personnel decisions consistent with established policies and procedures.
- oversees the recruitment, appointment, induction, and assignment of the most qualified personnel available.
- establishes and implements formal and informal induction procedures to promote assistance for and acceptance of new employees.
- sets high standards for staff performance.
- evaluates performance of personnel consistent with division policies, provides formal and informal feedback, and maintains accurate evaluation records.
- recommends the reappointment and/or promotion of competent, effective personnel.
- provides support and resources for staff to improve job performance and recognizes and supports the achievements of highly effective staff members.

The superintendent provides staff development programs consistent with program evaluation results and school instructional improvement plans.

Sample Performance Indicators:

The superintendent...

- leads the development and implementation of a systematic professional development plan for individuals, including members of the board, and for the division.

AMERICAN OVERSIGHT
VA-22-0316-A-000267

- works collaboratively with members of the staff in using student achievement data to determine relevant professional development opportunities.
- meets with principals regularly to assess ongoing school improvement efforts.
- evaluates the effectiveness of the professional development plan in relation to division goals.
- encourages participation in relevant conferences, course work, and activities of professional organizations.
- shares program evaluation results and demonstrates connection of results to ongoing staff development efforts.
- supports staff participation in internal and external professional development opportunities as appropriate.

The superintendent identifies, analyzes, and resolves problems using effective problem-solving techniques.

Sample Performance Indicators:

The superintendent...

- identifies and addresses problems in a timely and effective manner.
- demonstrates fairness in identifying multiple points of view around problem situations.
- involves stakeholders in analyzing problems and developing solutions.
- monitors implementation of problem resolutions.
- provides shared leadership and decision-making opportunities for staff that promote a climate of collaboration and collegiality.
- delegates responsibility appropriately to staff members.
- maintains focus on school and division mission and goals.
- promotes an atmosphere of mutual respect and courtesy.

Safety and Organizational Management for Learning

The superintendent actively supports a safe and positive environment for students and staff.

Sample Performance Indicators:

The superintendent...

- facilitates the implementation of sound, research-based theories and techniques of classroom management, student discipline, and school safety to ensure a safe, orderly environment conducive to teaching and learning.
- clearly communicates expectations regarding behavior to students, staff, parents, and other members of the community.
- clearly communicates procedures for handling disciplinary problems.
- implements and enforces school division code of conduct and appropriate disciplinary policies and procedures in a timely and consistent manner.
- supports effective programs through which students develop self-discipline and conflict resolution skills.
- calmly and effectively manages emergency situations as they occur.

AMERICAN OVERSIGHT
VA-22-0316-A-000268

- is proactive in addressing potential problem situations.
- consistently conveys mutual respect, concern, and high expectations to students, staff, parents, and community members.
- recognizes students and staff for their academic, co-curricular, personal, and professional achievements.

The superintendent develops procedures for working with the local board of education that define mutual expectations, working relationships, and strategies for formulating division policies.

Sample Performance Indicators:

The superintendent...

- respects the policy-making authority and responsibility of the board.
- develops and uses a systematic means of keeping members of the board informed with complete, accurate information.
- facilitates the delineation of superintendent and board roles and the articulation of mutual expectations.
- recommends policy additions and/or modifications to improve student learning and division effectiveness.
- anticipates future needs and demonstrates a bias for action.
- values group interaction and problem solving.
- expresses opinions on policy issues directly to the board.
- supports and implements policy established by the board.

The superintendent effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.

Sample Performance Indicators:

The superintendent...

- complies with federal, state, and local statutes, regulations, policies, and procedures.
- collaboratively plans and prepares a fiscally responsible budget to support the organization's mission and goals.
- demonstrates effectiveness in obtaining necessary resources.
- establishes and uses accepted procedures for receiving and disbursing funds.
- ensures that expenditures are within limits approved by the board.
- implements appropriate management techniques and group processes to define roles, delegate activities and responsibilities, and determine accountability for goal attainment.
- prepares and implements short- and long-range plans for facilities and sites.
- ensures proper maintenance and repair of division property and equipment.
- monitors any construction, renovation, or demolition of division buildings.
- regularly reports to the board on the financial condition of the division.
- monitors the efficient use of resources.
- works with staff to establish an effective schedule for use of shared resources.
- ensures the maintenance of accurate personnel records.

AMERICAN OVERSIGHT
VA-22-0316-A-000269

The superintendent demonstrates effective organizational skills to achieve school, community, and division goals.

Sample Performance Indicators:

The superintendent...

- demonstrates and communicates a working knowledge and understanding of school division policies and procedures.
- ensures compliance and follow-through regarding policies and procedures.
- uses personal time to the best advantage, manages scheduling effectively, and follows task to completion.
- performs duties in an accurate and timely manner.
- maintains appropriate and accurate records.
- efficiently and appropriately prioritizes and addresses multiple issues and projects.
- systematically evaluates progress on achieving established goals.
- keeps the board, staff and community appraised of progress in achieving the division's goals.

Communication and Community Relations

The superintendent promotes effective communication and interpersonal relations within the school division.

Sample Performance Indicators:

The superintendent...

- promotes a climate of trust and teamwork within the division.
- facilitates constructive and timely communication.
- initiates communication and facilitates cooperation among staff regarding curriculum or program initiatives.
- models professionally appropriate communication skills, interpersonal relations, and conflict mediation.
- maintains visibility and accessibility to staff.
- solicits staff input to discuss issues and goals and to promote effective decision-making.
- establishes and maintains a collaborative relationship with staff members in promoting the division's mission and in communicating expectations.

The superintendent establishes and maintains effective channels of communication with board members and between the schools and community, strengthening support of constituencies and building coalitions.

Sample Performance Indicators:

The superintendent...

- accepts responsibility for maintaining communication between the board and division personnel.
- anticipates, analyzes, and discusses emerging educational/division issues with the board on a regular basis.
- systematically provides accurate, relevant information to the board to facilitate decision-making.
- establishes, maintains, and evaluates a planned, two-way system of communication with community constituencies.

AMERICAN OVERSIGHT
VA-22-0316-A-000270

- communicates school and division goals, objectives, and expectations to stakeholders.
- is politically astute and demonstrates the skills necessary to build community support for division goals and priorities.
- works cooperatively with representatives of the news media.
- establishes partnerships with public and private agencies to enhance the division's ability to serve students and other constituents.
- uses acceptable written and oral language.

The superintendent works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Sample Performance Indicators:

The superintendent...

- is responsive to the conditions and dynamics of the diversity within the school community.
- treats people with respect.
- models and promotes multicultural awareness, gender sensitivity, and the appreciation of diversity in the community.
- is knowledgeable about laws regarding individual and group rights and responsibilities and scrupulously avoids actions that might violate them.
- collaborates with staff, families, and community leaders and responds to identified needs of individual students and groups of students.
- promotes the value of understanding and celebrating school/community cultures.

Professionalism

The superintendent models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The superintendent...

- relates to board members, staff, and others in an ethical and professional manner.
- maintains the physical and emotional wellness necessary to meet the responsibilities of the position.
- serves as an articulate spokesperson for the school division and represents the division favorably at the local, state, and national levels.
- resolves concerns and problems in an appropriate manner.
- respects and maintains confidentiality and assumes responsibility for personal actions and those of subordinates.
- maintains a professional demeanor and appearance appropriate to responsibilities.

The superintendent works in a collegial and collaborative manner with school personnel and the community to promote and support the mission and goals of the school division.

Sample Performance Indicators:

The superintendent...

- demonstrates flexibility and a collaborative attitude in supporting professionals and other staff/work teams.
- supports the division and advances its mission/goals.

AMERICAN OVERSIGHT
VA-22-0316-A-000271

- establishes and supports a division culture that encourages collaboration and teamwork in achieving goals.
- maintains effective working relationships with other administrators and staff.
- shares ideas and information and considers the interests and needs of staff members and community stakeholders in promoting and supporting district goals and services.

The superintendent takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The superintendent...

- participates in professional growth activities, including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.
- evaluates and identifies areas of personal strength and weakness related to providing division leadership.
- sets goals for improvement of skills and professional performance.
- maintains a high level of personal knowledge regarding new developments and techniques, including technology, and shares the information with appropriate staff.
- comprehends and applies current research of educational issues, trends, and practices.
- networks with colleagues to share knowledge about effective educational practices and to improve and enhance administrative knowledge, skills, and organizational success.
- maintains proper licensure and certification.

The superintendent provides service to the profession, the division, and the community.

Sample Performance Indicators:

The superintendent...

- serves on division, state, and/or national committees and maintains an active role in professional organizations.
- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.
- organizes, facilitates, and presents at local, state and/or national conferences.
- supports and participates in efforts to align division goals and activities with community endeavors.

AMERICAN OVERSIGHT
VA-22-0316-A-000272

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/21/2022 9:28:41 AM
To: "Jon Russell" <jon.russell@doe.virginia.gov>
Cc:
Subject: Fwd: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code 22.1-65

Attachments: LTR to SuperVDOE.pdf

---------- Forwarded message ---------
From: **Ian Prior** <ian@fightforschools.com>
Date: Fri, Feb 18, 2022 at 2:39 PM
Subject: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code 22.1-65
To: jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>
CC: elizabeth.schultz@doe.virginia.gov <elizabeth.schultz@doe.virginia.gov>

Dear Superintendent Balow,

Please find attached a formal request that you recommend to the Board of Education the removal of Loudoun County Public Schools Superintendent Scott Ziegler.

The original copy that I sent via certified mail has for some reason been returned and I will resend, but I wanted to make sure that you officially received this electronically.

Thank you for your consideration.

Ian Prior
Fight for Schools
Phone: 571-639-6711
Email: ian@fightforschools.com
Twitter: @iandprior
Linkedin: https://www.linkedin.com/in/ian-prior-1a7851133/
--

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

FightForSchools.com

February 9, 2022

VIA CERTIFIED MAIL

Jillian Balow
Superintendent of Public Instruction
Virginia Department of Education
James Monroe Building
101 N. 14th Street
Richmond, VA 23219

CC:

Loudoun County Board of Supervisors
Loudoun County Government Center
1 Harrison St. SE #5
Leesburg, VA 20175

Loudoun County School Board
21000 Education Court
Ashburn, VA 20148

Re: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code §22.1-65

Dear Superintendent Balow:

Congratulations on your appointment as Superintendent of Public Instruction for the Commonwealth of Virginia. The education issue was key to the sweeping change that came to Virginia in 2021, and parents everywhere look forward to the restoration of educational excellence to the Commonwealth's public schools in the years to come.

AMERICAN OVERSIGHT

As you are no doubt aware, nowhere has the spotlight shone brighter on the failures of Virginia's public school administrators than in Loudoun County. From school board members and administrators participating in private social media forums that targeted parents, to suspending a teacher in violation of his and other teachers' First Amendment rights, to willfully defying Governor Youngkin's Executive Order allowing parents the choice of whether their children wear masks in school, Loudoun County Public Schools has been a case study in mismanagement and disrespect to students, parents, and the taxpayers who fund its operations.

While many of the failures fall at the feet of the Loudoun County School Board, it should be clear to all observers that Superintendent Scott Ziegler does not possess the capability, experience, or leadership skills to sit at the helm of a $1.6 billion taxpayer-funded school division.

Many of those failures will likely be more fully explored in the investigation being conducted by Attorney General Miyares, but Superintendent Ziegler has become such a liability to the safety of Loudoun County children and the trust of the parents that rely on Loudoun County Public Schools to protect those children that, on behalf of Fight For Schools, I request you consider exercising your authority under VA Code §22.1-65 and recommend his removal as Superintendent of Loudoun County Public Schools.

Specifically, Superintendent Ziegler has repeatedly and blatantly misled the public on very serious issues of school safety and has exhibited complete disregard for transparency and accountability.

The following are some of provable examples of Superintendent Ziegler's actions that have not only eroded public confidence in his leadership and in LCPS, but also demonstrate the superintendent's pattern of dishonesty, unprofessional conduct, and willful incompetence.

1. **Superintendent Ziegler's Blatant Misrepresentation to the Public During a June 22, 2021 School Board Meeting**

On May 28, 2021, a young girl was sexually assaulted by a boy in a girls' bathroom at Stone Bridge High School. On the very same day, Superintendent Ziegler sent an email to the full school board informing them of that fact. See Exhibit A.

At the June 22, 2021 school board meeting where Policy 8040 was discussed (a policy which would allow students to use whichever bathroom and locker room that corresponds to the gender with which they identify), school board member Beth Barts asked Superintendent Ziegler the following: *"Do we have assaults in our bathrooms or locker rooms regularly? I would hope not, but I would like clarification."*

Superintendent Ziegler answered definitively: *"To my knowledge we don't have any records of assaults occurring in our restrooms."*[1]

Not only did Ziegler flat out lie about an issue of school safety, but he did so in the context of a debate over the safety of implementing Policy 8040. Such information would be extremely relevant to the public in that debate.

Moreover, at no point in time did Ziegler ever attempt to correct the record.

Worst of all, his failure to honestly state the facts put into motion a chain of events that directly led to the sexual assault of a second girl by the same assailant at a different school and is now the subject of an investigation by the Virginia Attorney General.

In this case, Superintendent Ziegler's knowing misrepresentation arguably would make him both civilly and criminally liable.

In Virginia, a civil cause of action for actual fraud requires a "plaintiff to prove (1) a false representation, (2) of a material fact, (3) made intentionally and knowingly, (4) reliance by the party misled, and (5) resulting damage to the party misled." Cohn v. Knowledge Connections, Inc., 266 Va. 362, 367 (2003).

Superintendent Ziegler falsely and knowingly stated that he was "unaware of any records of assaults occurring in our restrooms," despite sending a May 28, 2021 email to the school board informing them of the sexual assault in the Stone Bridge High School restroom. This was certainly a material fact, especially considering a public debate over bathroom safety policy. As a result, members of the public relied on his statement and were damaged by not receiving accurate information with which to provide input on a policy impacting their children's schools.

Superintendent Ziegler's failure to correct his misstatement also makes him potentially liable for concealment, which under Virginia law is defined as "[c]oncealment of a material fact by one who knows the other party is acting upon the assumption that the fact does not exist ***." Allen Realty Corp. v. Holbert, 227 Va. 441, 450 (1984).

Lastly, all school board meetings are broadcast "live on Comcast channel 18 and Verizon FIOS channel 43" as well as via simultaneous webcast. Pursuant to VA Code §18.2-209, entitled False publications, "[a]ny person who knowingly and willfully states, delivers or transmits by any means whatever to *** any radio station, television station, news service or cable service, any false and untrue statement, knowing the same to be false or untrue, concerning any person or corporation, with intent that the same shall be published, broadcast or otherwise disseminated, shall be guilty of a Class 3 misdemeanor."

[1] Publicly accessible video of June 2, 2021, school board meeting: https://vimeo.com/566103405

By making a knowingly false statement at a Loudoun County School Board meeting that was transmitted by cable news and a webcast, Superintendent Ziegler may have also violated the criminal prohibition against false publications.

2. **Superintendent Ziegler's Misrepresentation to the Public in a November 5, 2021 Press Release Concerning "Independent Review" of Sexual Assaults**

On November 4, 2021, following his election as Attorney General of the Commonwealth of Virginia, Jason Miyares announced that he would be investigating Loudoun County Public Schools' handling of two sexual assaults at two different schools by the same assailant.[2]

The next day, Superintendent Scott Ziegler issued a press release entitled "LCPS Announces Independent Review of Assault Allegations." The press release read, in relevant part, as follows:

"We believe we have followed all mandatory reporting protocols and aided law enforcement to the fullest extent allowed in all investigations regarding these matters. We acknowledge that these matters need to be fully reviewed. Consequently, and with full support of the School Board, ***Loudoun County Public Schools hired Blankingship & Keith, P.C. on October 28, 2021 to conduct an independent review of these incidents****."* (emphasis added)[3]

On January 3, 2022, on behalf of Fight for Schools, I sent a Freedom of Information Act Request to LCPS requesting the following:

"Any report or documents prepared by Blankingship & Keith, P.C. in conjunction with the independent investigation (hired on October 28, 2021 and announced on November 5, 2021) into LCPS's handling of allegations of student sexual misconduct at Stone Bridge and Broad Run high schools." See Exhibit B.

The LCPS Public Information Officer responded on January 10, 2022, as follows:

"There is one record responsive to your request, which is being withheld from disclosure in its entirety under Va. Code § 2.2-3705.1(2) relating to materials protected under the attorney client privilege. Furthermore, portions of the record are being withheld from disclosure under. Code § 2.2-3705.4(A)(1) relating to scholastic information and Va. Code § 2.2-3705.1(1) relating to personnel information concerning identifiable individuals." See Exhibit C.

---

[2] "Virginia Attorney General-elect Miyares plans to investigate school assault cases in Loudoun; chief prosecutor welcomes involvement," Loudoun Times-Mirror, November 4, 2021: https://www.loudountimes.com/news/virginia-attorney-general-elect-miyares-plans-to-investigate-school-assault-cases-in-loudoun-chief-prosecutor/article_51ed0f00-3dd6-11ec-a6c7-339513c0a478.html

[3] LCPS Announces Independent Review of Assault Allegations, November 5, 2021: https://www.lcps.org/site/default.aspx?PageType=3&DomainID=1&ModuleInstanceID=274904&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=416934&PageID=1

Only after it became public knowledge that LCPS would not release the report did Loudoun County Public Schools communicate with the community about the existence of the report.

On January 14, 2022, the Loudoun County School Board issued a statement stating that it would not publicly release the report provided by Blankingship & Keith, P.C. due to attorney-client privilege. The release further detailed actions LCPS would be taking on matters that were the subject of the report.[4]

Section 2.2-3705.8 of the Virginia Freedom of Information Act, entitled "Limitations on record exclusions," provides as follows:

"Nothing in this chapter shall be construed as denying public access to the nonexempt portions of a report of a consultant hired by or at the request of a local public body or the mayor or chief executive or administrative officer of such public body if (i) the contents of such report have been distributed or disclosed to members of the local public body or (ii) the local public body has scheduled any action on a matter that is the subject of the consultant's report."

Superintendent Ziegler made it very clear in his November 5, 2021, release that Blankingship & Keith would be conducting an "independent review." The resulting report was provided to the Loudoun County School Board and LCPS announced actions it would be taking on the matter that was the subject of the report. Therefore, pursuant to §2.2-3705.8, public access should not be denied to non-exempt portions of the report.

However, LCPS has claimed that the report is exempt due to §2.2-3705.1(2), which subsection exempts the following from production to the public:

"Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege."

By claiming this exemption, Loudoun County Public Schools has now made it clear that Blankingship & Keith provided it with legal counsel as opposed to the "independent review" that Superintendent Ziegler sold to the public.

Furthermore, Loudoun County Public Schools did not "hire" Blankingship & Keith on October 28, 2021, as Superintendent Ziegler claims. In response to a FOIA sent to LCPS on January 15, 2022, requesting the retainer agreement between LCPS and Blankingship & Keith signed "on or around October 28, 2021," LCPS stated that no such documents exist. See Exhibits D and E.

[4] Statement from the Loudoun County School Board, January 14, 2022: https://www.lcps.org/site/default.aspx?PageType=3&ModuleInstanceID=335527&ViewID=7b97f7ed-8e5e-4120-848f-a8b4987d588f&RenderLoc=0&FlexDataID=420880&PageID=241236

AMERICAN OVERSIGHT

Instead, Loudoun County Public Schools actually hired Blankingship & Keith on June 15, 2021, to work for the division on an ongoing basis beginning in July of 2021, with the expectation that firm lawyers would be "on-site at LCPS central administration, say, twice per week on some scheduled basis for that purpose." See Exhibit F.

Superintendent Ziegler thus misled the public into believing that Blankingship & Keith was hired on October 28, 2021 to conduct an "independent review" of the division's handling of the sexual assaults at issue, when in fact this was nothing more than an internal investigation and legal advice from a law firm that had been on retainer since the summer.

To reiterate, Superintendent Ziegler misrepresented the nature of an investigation into an incident in which Ziegler misled the community about a sexual assault in a bathroom of which he had full knowledge, and his actions directly contributed to a second sexual assault of a second girl in a second high school by the same assailant, all of which generated the need for Blankingship & Keith to become involved.

Once more, the two false statements by Superintendent Ziegler make a *prima facie* case for fraud. He made a knowingly false statement about a material fact – the independence of the report and the date that Blankingship and Keith was hired – to gain the public's trust in the "independence" of a taxpayer-funded review.

Further, because this statement was released to the media, it may also violate VA Code §18.2-209's prohibition on false statements to publishers.

3. **Superintendent Ziegler's Misleading February 5, 2022 Press Release on Loudoun County Public School's Directive to Press Trespass Charges Against Students Suspended for Not Wearing Masks**

On February 5, 2022 Superintendent Ziegler sent out a press release entitled "Media Rumors Concerning LCPS."[5] The release stated, in relevant part:

"Loudoun County Public Schools (LCPS) would like to address a rumor that has been circulating in our community and in the media. The rumor, which is inaccurate, involves claims that LCPS has taken legal action against students who choose not to follow COVID mitigation measures in our school buildings. LCPS does not have the authority to arrest or charge any suspended students or their parents for trespassing. Furthermore, LCPS has not requested that local law enforcement charge any student with trespassing in connection with recent suspensions.

"Any student who is suspended from school and returns to school property, without administrative permission, may be issued a trespass notice. This is standard practice and a

[5] LCPS Press Release, Media Rumors Concerning LCPS, February 5, 2022: https://www.lcps.org/site/default.aspx?PageType=3&ModuleInstanceID=336264&ViewID=7b97f7ed-8e5e-4120-848f-a8b4987d588f&RenderLoc=0&FlexDataID=421796&PageID=241480

warning that appears on all suspension notices. Again, students suspended for defiance of COVID mitigation protocols will not be charged with trespassing.

"I want to emphasize that, despite some unverified reports in the media, no students have been arrested for trespassing. Media accounts stating that LCPS is arresting students are not accurate, and create fear and potential harm for our students. We want to assure the community that our primary goal is to keep students in school, learning, and safe."

As of this date, it does not appear that there are any media reports that LCPS students had been arrested. Rather, Daily Caller reporter Chrissy Clark tweeted a video[6] of a Loudoun County assistant principal stating that it would be "considered trespassing" for any student to return to school who had been suspended for not wearing a mask. There have been several follow up stories based on that video, but upon information and belief, none have claimed that any student was arrested.

Thus, Superintendent Ziegler's press release was a textbook straw man argument to dispute rumors that did not exist, while failing to alleviate the concerns of parents about the actual statement made by the assistant principal.

Even worse, the assistant principal was not merely a rogue staffer – she was following orders. On February 2, 2022, the same day as Ms. Clark tweeted that video, Loudoun County Public Schools Director of Safety and Security John Clark sent an email to division principals outlining the steps for taking out a trespass summons/warrant from a magistrate to be served on students who entered school property after being suspended for not complying with the mask mandate.[7]

In other words, Loudoun County Public Schools provided detailed guidance on how to charge students with trespass, an assistant principal was caught on tape saying so, and Superintendent Ziegler said rumors of arrests were not true, even though there were not actual media rumors of "arrests," but it was true that LCPS was instructing staff on how to press charges for trespass.

Again, this another example of the stunning dishonesty and duplicity of an individual who heads up a school system that is responsible for educating more than 81,000 children.

---

[6] Chriss Clark Tweet, February 2, 2022: https://twitter.com/chrissyclark_/status/1488955682640601088?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1488955682640601088%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fstoplcpscrt.com%2F2022%2F02%2F02%2Fassistant-principal-of-a-loudoun-county-elementary-school-informing-parents-that-children-who-come-back-to-school-maskless-will-be-charged-with-trespassing%2F

[7] "Loudoun official coached principals on getting warrants for unmasked students," Washington Examiner, February 7, 2022: https://www.washingtonexaminer.com/policy/loudoun-official-coached-principals-on-getting-warrants-for-unmasked-students

4. **Superintendent Ziegler's Illegal Declaration of an Unlawful Assembly at the June 22, 2021 School Board Meeting**

Also at the June 22, 2021 school board meeting, former Senator Dick Black gave a public comment which was greeted with applause. After the applause subsided, then Vice-Chairwoman Atoosa Reaser moved to end public comment and the school board voted 9-0 to do so.

After the premature termination of the public comment session, several attendees remained in the building, continued to make public comments to the audience, and sang the national anthem. Superintendent Ziegler eventually declared the gathering an unlawful assembly, which resulted in attendee Jon Tigges being cited and charged with trespass.

Pursuant to VA Code §18.2-406, the following constitutes an unlawful assembly:

"Whenever three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize seriously public safety, peace or order, and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace or order, then such assembly is an unlawful assembly. Every person who participates in any unlawful assembly shall be guilty of a Class 1 misdemeanor."

At Mr. Tigges's trial, Superintendent Ziegler admitted that, despite declaring an unlawful assembly, he had no legal authority to do so. He said under oath:

"Upon reflection, we did an after action debrief with my staff and we agreed that, after reviewing the code that counsel cited at the beginning of trial that my words were incorrect." See Exhibit G, at 68-69.

Once again, Superintendent Ziegler engaged in inappropriate action at a school board meeting and did so based on information that he did not bother to reference before taking the drastic action that led to a parent being charged with trespass.

5. **Superintendent Ziegler's Misrepresentation of Loudoun County Sheriff's Deputy in Letter to Loudoun County Sheriff Mike Chapman**

In a November 5, 2021 letter to Loudoun County Sheriff Mike Chapman, Superintendent Scott Ziegler stated as follows:

"During the quarterly update to the Loudoun County Board of Supervisors on November 3, Col. Mark J. Poland of the Loudoun County Sheriff's Office suggested that your offices notified the Loudoun County Public Schools of charges in the Stone Bridge High School sexual assault case. The question-and-answer with the Board of Supervisors and Sheriff's Office went as follows:

AMERICAN OVERSIGHT

Dulles District Supervisor Matthew Letourneau asked Col. Poland of the Loudoun County Sheriff's Office:

"I'm just gonna ask, straight up, could you tell us if the Sheriff's Office did, in fact, notify Loudoun County Public School when the individual was charged?

Col. Poland answered: "To answer your question, they were notified. They were absolutely notified." See Exhibit H.

Superintendent Ziegler's claim that Col. Poland said that the Loudoun County Sheriff's Office told the Board of Supervisors that he notified Loudoun County Public Schools about the charges is not accurate – Col. Poland simply said that "they were notified," but did not specify who notified LCPS.

As outlined by Sheriff Chapman in his response letter of November 10, 2021, because the arrest did not occur on school grounds, VA Code §16.1-260 Section G requires the juvenile intake officer to notify the school superintendent of any juvenile student charged with a crime. See Exhibit I. Further, according to Sheriff Chapman, following the arrest, Jason Bickmore of the Loudoun County Juvenile Court Services Unit (JCSU) confirmed to the Loudoun County Sheriff's Office that the JSCU had sent a letter to Loudoun County Public Schools informing it of the arrest.

This is yet another example of a pattern and practice of Superintendent Ziegler misleading and misstating the facts to blame others and distract from his failed leadership.

6. **Superintendent Ziegler's Misrepresentation to the Public at the June 1, 2021 School Board Work Session Regarding Equity**

At the June 1, 2021 School Board Work Session Regarding Equity, in an effort to discredit the parent movement against CRT and to assert that Fight For Schools recognized his claim that there was no critical race theory taught in Loudoun County Public Schools, Superintendent Ziegler intentionally manipulated a quote I gave to ABC7 as Executive Director of Fight for Schools.

Superintendent Ziegler stated: *"Mr. Ian Prior stated on May 19th on WJLA-TV quote, nobody is saying that Loudoun County Public Schools or other schools are teaching critical race theory 101 like they would teach physics or chemistry. End quote."*[8]

The actual quote to WJLA-TV on May 19th carried quite a different meaning than Superintendent Ziegler's manipulation and was as follows: *"Nobody is saying that Loudoun County Public Schools or other schools are teaching critical race theory 101 like they would*

[8] Publicly accessible video of June 1, 2021 School Board Work Session Regarding Equity: https://vimeo.com/557614738

AMERICAN OVERSIGHT

teach physics or chemistry, but is a broad lens that's implemented through how teachers are trained and how those trained teachers teach our children; which is to view America, to view our institutions, to view our culture, tradition, and language all based on systemic racism."[9]

This is yet another clear example of Superintendent Ziegler misleading the public on an issue of public concern to the community.

7. **Superintendent Ziegler's Misrepresentation to the Public During an October 3, 2021 Interview with Sharyl Attkisson on "Full Measure"**

During an interview with Sharyl Attkisson,[10] Superintendent Ziegler was asked about the private Facebook group "The Anti-Racist Parents of Loudoun County" that plotted to cancel parents that opposed LCPS policies and included, as members, six school board members and dozens of LCPS administrator and teachers: *"There were school board members and teachers on this Facebook group that were pressing the notion of Critical Race Theory for the schools,"* Attkisson said.

Ziegler responded: *"I'm not familiar with the group, so I wouldn't comment on it."*

Once more, Ziegler knowingly misrepresented himself to the public. The private Facebook group "The Anti-Racist Parents of Loudoun County" gave rise to a Loudoun County Sheriff's Office Investigation and a massive eight-month effort to collect signatures to remove the six school board members who were in the Facebook group. In fact, at the time that Superintendent Ziegler made this statement, the removal case against a former school board member was pending in court with a hearing date for motions scheduled for that week.

Further, Ziegler was informed of the activities of "The Anti-Racist Parents of Loudoun County" Facebook group in an email on March 12, 2021 – the very day that the group was plotting to cancel dozens of parents for their views. See Exhibit I.

Additionally, following the exposure of "The Anti-Racist Parents of Loudoun County" by the Daily Wire on March 16, 2021, then-Interim Superintendent Ziegler stated the following in his "Update on Equity Work," which was released to the public via email and the LCPS website:

"It has come to my attention that individuals, including some identifying themselves as LCPS employees, have made statements across social media about parents and their thoughts about

[9] "Critical Race Theory in Disguise? Equity plan has Loudoun County parents at odds," WJLA-TV, May 19: https://wjla.com/features/i-team/critical-race-theory-in-disguise-equity-plan-has-loudoun-county-parents-at-odds

[10] "Sharyl Attkisson: Inside The Battle Over "Critical Race Theory" In Loudoun County, VA Public Schools, Real Clear Politics, October 3, 2021: https://www.realclearpolitics.com/video/2021/10/03/sharyl_attkisson_inside_the_battle_over_critical_race_theory_in_loudoun_county_va_public_schools.html

AMERICAN OVERSIGHT

the school division's equity work. LCPS recognizes the right of its employees to free speech, but does not condone anyone targeting members of the community for their viewpoint."[11]

At the March 23, 2021 school board meeting where Superintendent Ziegler was present, numerous speakers brought up the group's activities as did school board member John Beatty.[12]

Similarly, at the August 10, 2021 school board meeting, school board member Jeff Morse brought up the group's actions and the failure of several school board members to condemn its activities.[13]

This is a seventh example, on a matter of immense public concern to Loudoun County, where Superintendent Ziegler knowingly made a false statement to the community.

8. **Superintendent Ziegler's False Statement to the Public at the September 22, 2020 School Board Meeting**

At the September 22, 2020, the Loudoun County School Board took up Draft Policy 7560 as an information item. See Exhibit J.

The policy was to be a new Professional Conduct Policy which required all LCPS employees to *"support the school division's commitment to action-oriented equity practices through the performance of the job duties, as the Division engages in the disruption and dismantling of white supremacy, systemic racism, and language motivated by race, religion, country of origin, gender identity, sexual orientation, and/or ability."*

The policy further stated that the following would be a violation of the policy: *"Any comments or actions that are not in alignment with the school division's commitment to action-oriented equity practices and which impact an individual's ability to perform their job responsibilities or create a breach in trust bestowed upon them as an employee of the school division. This includes on-campus and off-campus speech, social media posts, and any other telephonic or electronic communications."*

The policy also stated that an employee's First Amendment rights may be outweighed *"[a]chieving consistent application of the Board's and Superintendent's state mission, goals, policies and directives, including protected class equity, racial equity, and the goal to root out systemic racism."*

Finally, the policy encouraged staff to report such speech violations, and prohibited retaliation against an individual for making false reports if they were made with subjective good faith.

---

[11] Office of the Superintendent: March 19, 2021 - Update on Equity Work**:** https://www.lcps.org/Page/240170
[12] Publicly accessible video of March 23, 2021 school board meeting: https://vimeo.com/527781745
[13] Publicly accessible video of August 10, 2021 school board meeting: https://vimeo.com/585378140

AMERICAN OVERSIGHT

This policy represented a drastic and unconstitutional assault of the First Amendment rights of teachers and staff. School board member Denise Corbo asked then-Assistant Superintendent Ziegler if LCPS had reached out to the Loudoun Education Association for input. Ziegler replied:

"This was given to LEA prior to consideration by the committee. They had the opportunity to comment on it. After the committee adopted it, I did hear from one of the LEA UniServ directors with favorable feedback. She thanked me for putting in place a policy for the division that made it clearer to employees what expected behavior was."[14]

In response, Christy Sullivan, the UniServ director for the LEA, emailed Ziegler on September 24, 2020. See Exhibit K. She stated the following:

"I am responding to the statements you made about LEA during the School Board meeting on Tuesday. LEA did not receive proposed policy 7560 ahead of time. LEA has always received all proposed [p]olicies the same day immediately after they are sent to the SB HRTD committee. That has not been happening lately. You Jeff Morse, and I even had an email conversation about making sure that happened. Kelly was at the virtual SB HRTD meeting: the Policy was not discussed prior to public comments. You and I ***briefly*** *talked about the policy during a conversation about an HRTD employee issue. I stated LEA has seen cases in many of the areas cited in the policy and that I hoped it would help. I don't believe Kelly or I said the policy was favorable. When a proposed policy comes out, Kelly, Sandy, and I review the Policy and get feedback from members. Sandy brought that feedback to the School Board meeting on Tuesday. At no time did LEA provide feedback and state this Policy was fine.*

*****

"The way this is written looks like LCPS is trying to limit what employees can talk about, even on matters of public concern. This section needs much clarification for employees to believe LCPS is not attempting to remove their Constitutional Right to free speech."

Based on the response of the LEA, not only did then-Assistant Superintendent Ziegler mislead school board member Denise Corbo, but he also knowingly misrepresented facts to the public about a proposed code of conduct that was a blatant violation of LCPS employees' Constitutional rights.

While that policy was eventually pulled, Superintendent Ziegler later did exactly what was feared from this policy when LCPS suspended teacher Tanner Cross for exercising his First Amendment rights, off-campus, on a matter of public concern.

[14] Publicly accessible video of September 22, 2020 school board meeting: https://vimeo.com/460575112

Superintendent Scott Ziegler Should Be Removed as Superintendent of Loudoun County Public Schools

Chapter 390, Section 10 of the Administrative Code of the Commonwealth of Virginia details the qualifications required for division superintendents. Under "Personal qualities," it states that "[e]ligibility shall be limited to individuals whose records attest to good character and demonstrated ability as an educational administrator."

Further, as set forth in the Virginia Department of Education's "Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents," a division superintendent is to be evaluated on several criteria, including (1) Communication and Community Relations, and (2) Professionalism. See Exhibit L, at 45-47.

As part of an evaluation of a superintendent's "Communication and Community Relations," sample performance indicators include the following: "[promoting] a climate of trust and teamwork within the division," "models professionally appropriate communication skills, interpersonal relations, and conflict resolution," "establishes, maintains, and evaluates a planned two-way system of communication with community constituencies," "is politically astute and demonstrates the skills necessary to build community support to division goals and priorities," "uses acceptable written and oral language," and "treats people with respect."

Similarly, as part of an evaluation of a superintendent's "Professionalism," division superintendents "models professional, moral, and ethical standards as well as personal integrity in all interactions," "relates to board members, staff, and others in an ethical and professional manner," "serves as an articulate spokesperson for the school division and represents the division favorably at the local, state, and national levels," "resolves concerns and problems in an appropriate manner," "respects and maintains confidentiality and assumes responsibility for personal actions and those of subordinates," and "works in a collegial and collaborative manner with *** the community to promote and support the mission and goals of the school division."

At every turn, Superintendent Scott Ziegler has demonstrated a complete and utter failure to adhere to his moral, ethical, and professional obligations as a division superintendent. He has created a climate of distrust at Loudoun County Public Schools with his repeated misrepresentations and false statements. His actions have engendered conflicts rather than resolved them. Superintendent Ziegler shows no sensitivity for his constituency, has lost the support and trust of the Loudoun community, and continues to disrespect that community with unethical and misleading spin and rhetoric. This is not the conduct of a leader who exemplifies the professional and personal integrity required to oversee the education of more than 81,000 children.

While there are likely more examples of this than the incidents cited in this letter, on major issues of public concern to the community, Superintendent Ziegler's dishonest actions have

AMERICAN OVERSIGHT

significantly contributed to the credibility gap that plagues Loudoun County Public Schools and has made a once great school system a national punch line.

I therefore request that, pursuant to your powers under the laws and regulations of the Commonwealth of Virginia, you recommend the removal Scott Ziegler as Superintendent of Loudoun County Public Schools.

Thank you for your consideration.

Sincerely,

Ian Prior

Ian Prior
Executive Director of Fight for Schools

AMERICAN OVERSIGHT

EXHIBIT A

AMERICAN OVERSIGHT

From: Scott Ziegler
To: School Board Confidential
Cc: Ashley Ellis; Timothy Flynn; Kevin Lewis; Joan Sahlgren
Subject: CONFIDENTIAL School Incident
Date: Friday, May 28, 2021 4:09:00 PM

Good Afternoon, Board Members,

The purpose of this email is to provide you with information regarding an incident that occurred at Stone Bridge HS. This afternoon a female student alleged that a male student sexually assaulted her in the restroom. The LCSO is investigating the matter. Secondary to the assault investigation, the female student's parent responded to the school and caused a disruption by using threatening and profane language that was overheard by staff and students. Additional law enforcement units responded to the school to assist with the parent.

The school's counseling team is providing services for students who witnessed the parent's behavior. The alleged victim is being tended to by LCSO.

As LCSO is investigating both incidents, further updates may not be available.

Scott A. Ziegler, Ed.D.
Interim Superintendent of Schools
Loudoun County Public Schools
21000 Education Court
Ashburn, VA 20148
Scott.Ziegler@lcps.org

AMERICAN OVERSIGHT

EXHIBIT B

AMERICAN OVERSIGHT

Gmail [redacted]

Public Records Request :: R000751-010322

1 message

Loudoun County Public Schools Public Records <lcps@govqa.us> Mon, Jan 3, 2022 at 4:26 PM
To: [redacted]

Powered by GovQA

Dear Ian Prior:

Thank you for your interest in public records of Loudoun County Public Schools. Your request has been received and is being processed in accordance with the Virginia Freedom of Information Act. Your request was received in this office on 1/3/2022 and given the reference number R000751-010322 for tracking purposes.

Records Requested: -Any report or documents prepared by Blankingship & Keith, P.C. in conjunction with the independent investigation (hired on October 28, 2021 and announced on November 5, 2021) into LCPS's handling of allegations of student sexual misconduct at Stone Bridge and Broad Run high schools.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Virginia Freedom of Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

Loudoun County Public Schools

To monitor the progress or update this request please log into the Public Records Center

Powered by GovQA

AMERICAN OVERSIGHT

EXHIBIT C

AMERICAN OVERSIGHT

Gmail [redacted]

[Records Center] Public Records Request :: R000751-010322

Loudoun County Public Schools Public Records <lcps@govqa.us> Mon, Jan 10, 2022 at 4:46 PM
[redacted]

--- Please respond above this line ---

Mr. Prior,

There is one record responsive to your request, which is being withheld from disclosure in its entirety under Va. Code § 2.2-3705.1(2) relating to materials protected under the attorney client privilege. Furthermore, portions of the record are being withheld from disclosure under. Code § 2.2-3705.4(A)(1) relating to scholastic information and Va. Code § 2.2-3705.1(1) relating to personnel information concerning identifiable individuals.

I also want to let you know that you currently have an outstanding charge of $72.15 that has been outstanding for over 30 days. Please be advised that a public body may require a requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing under Va. Code § 2.2-3704(I).

- Wayde B. Byard

To monitor the progress or update this request please log into the Public Records Center

Powered by GovQA

AMERICAN OVERSIGHT

EXHIBIT D

AMERICAN OVERSIGHT

Gmail [redacted]

Public Records Request :: R000758-011522

Loudoun County Public Schools Public Records <lcps@govqa.us> Sat, Jan 15, 2022 at 5:31 PM
[redacted]

Powered by GovQA

Dear Ian Prior:

Thank you for your interest in public records of Loudoun County Public Schools. Your request has been received and is being processed in accordance with the Virginia Freedom of Information Act. Your request was received in this office on 1/15/2022 and given the reference number R000758-011522 for tracking purposes.

Records Requested: -The retainer agreement between LCPS and Blankingship and Keith, signed on or around October 28, 2021, for the purposes of an independent review of LCPS's handling of the sexual assaults at Stone Bridge and Broad Run and announced by Superintendent Ziegler on November 5, 2021.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Virginia Freedom of Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

Loudoun County Public Schools

To monitor the progress or update this request please log into the Public Records Center

Powered by GovQA

AMERICAN OVERSIGHT

EXHIBIT E

AMERICAN OVERSIGHT

Gmail [redacted]

[Records Center] Public Records Request :: R000758-011522

Loudoun County Public Schools Public Records <lcps@govqa.us> Fri, Jan 21, 2022 at 11:27 AM
[redacted]

Powered by GovQA

Dear Ian Prior,

RE: PUBLIC RECORDS REQUEST of January 15, 2022, Reference # R000758-011522

Dear Ian Prior,

The Loudoun County Public Schools received a public information request from you on January 15, 2022. Your request mentioned:

"-The retainer agreement between LCPS and Blankingship and Keith, signed on or around October 28, 2021, for the purposes of an independent review of LCPS's handling of the sexual assaults at Stone Bridge and Broad Run and announced by Superintendent Ziegler on November 5, 2021."

This email is to notify you that no records exist. Your request has been closed.

If you have any questions, please contact my office at . Thank you for your attention.

Sincerely,

Wayde Byard
Communications and Community Engagement

To view the full details of this request please log into the Public Records Center.

Powered by GovQA

AMERICAN OVERSIGHT

EXHIBIT F

AMERICAN OVERSIGHT

B&K Blankingship Keith pc
4020 University Drive
Suite 300
Fairfax, Virginia 22030
T: 703.691.1235
F: 703.691.3913

JOHN F. CAFFERKY
jcafferky@bklawva.com

June 15, 2021

By electronic mail (scott.ziegler@lcps.org)

Loudoun County School Board, c/o
Scott A. Ziegler, Ed. D.,
Division Superintendent
21000 Education Court
Ashburn, VA 20148

Re: Proposal to Provide Interim Outside Division Counsel Services

Dear Dr. Ziegler:

Following up our recent telephone conversation, this letter will confirm and constitute my firm, Blankenship & Keith, PC's (the "Firm") offer and intent to provide necessary legal services to the Loudoun County School Board, and Loudoun County Public Schools (LCPS) beginning July 1, 2021, on an interim "as needed/as requested" basis as a result of the retirement of LCPS Division Counsel later this month.

As I have mentioned, my practice over the last 35 years has been devoted primarily, and now almost exclusively, to representing Virginia school boards and school divisions. I have served (and serve) as Division Counsel to several, and outside counsel to numerous others. Both from experience and from talking to Mr. DeVita, I believe I have a good idea of the Board's and the Division's legal needs, as well as the way in which Division Counsel works with the various outside counsel (most of whom I know well) whom LCPS regularly engages. At the same time, I am confident that Mr. DeVita is familiar with my experience, and I have had some opportunity to work with your Board. Nonetheless, if you would like a detailed list of references, I would be more than happy to provide them.

My Firm will provide general advice and representation to LCPS and the School Board on all routine legal matters and, if requested, attend meetings of the School Board. Examples of routine matters that would be included are rendering advice over the telephone or by email to the School Board, the Superintendent and designated members of the Superintendent's staff, as appropriate; consulting with approved staff members as necessary to provide advice; and rendering written advice in circumstances which do not require substantial amounts of research.

In addition to general, routine representation, the Firm will provide legal advice and representation on non-routine matters when requested and agreed upon. Non-routine matters include litigation, complex hearings, EEOC complaints, OCR investigations, extensive contract review and negotiation, and other specific engagements requiring a significant amount of time. We will consult with you prior to opening separate non-routine matters so that you know, in advance, and have a clear

AMERICAN OVERSIGHT
VA-22-0316-A-000299

B&K Blankingship Keith pc
4020 University Drive
Suite 300
Fairfax, Virginia 22030
T: 703.691.1235
F: 703.691.3913

JOHN F. CAFFERKY
jcafferky@bklawva.com

understanding of what will result in supplementary legal fees. In addition, we will provide you with status updates from time to time during this engagement.

Our work under this agreement will be subject to the attached LCPS Guidelines for Outside Counsel ("Guidelines"). In the event of a conflict between this letter and the Guidelines, the Guidelines will control.

The Firm now includes a team of partners and associates who also provide legal advice, and litigation representation, to school boards and school divisions. These include, among others, Partners Bill Porter and Laurie Kirkland, who work with schools in litigation and HR matters; Jeremy Root, Giff Hampshire and Quint Robinson, who handle transactional and landuse matters; and Associates Melissa Little, Emily Haslebacher and Ian McElhaney, among others. Bios of all of them (in addition to mine) are available on our firm website.

For the sake of simplicity, we would propose to charge $300 per hour for work by partners, and $250 for Associates. This is the same rate as we charge to our regular school clients, and a significant discount from our regular rates, as well as a reduction from the rate we have been charging for occasional LCPS projects. We do reserve the right to review and revise our hourly billing rates as appropriate.

One important recommendation I have is that legal work should flow to, and from, Division Counsel via some established protocol. This prevents both left hand/right hand-type misunderstandings, as well as over-use of legal resources. Typically, I recommend that on the Board, the Chair and/or Vice-Chair have the ability to seek advice on behalf of the Board, and that other individual Board members go through the Board leadership do to so. On the Division side, typically I would communicate with the Superintendent and leadership team-level administrators, as well as those other school administrators or staff whom they in turn identify.

We bill on a monthly basis so it will be possible for you to monitor the work and the resulting fees on a regular basis. These bills will be sent to the Superintendent's office with a copy to the Director of Procurement's office. I or my designee will review all monthly invoices to see that they are appropriate, and you should feel free to discuss with the Firm any questions concerning any invoice. These bills will include charges for courier/delivery, postage, and court reporter costs as well as any additional sums that we advance on your behalf in relation to a case or matter. Our bills are due upon presentation, and though we have not found it necessary to do so, we reserve the right to charge interest at 6% per annum on any amounts that remain unpaid for more than 30 days.

AMERICAN OVERSIGHT
VA-22-0316-A-000300

B&K Blankingship Keith pc
4020 University Drive
Suite 300
Fairfax, Virginia 22030
T: 703.691.1235
F: 703.691.3913

JOHN F. CAFFERKY
jcafferky@bklawva.com

It is essential to our representation of you that you cooperate with us fully and provide us all the information we need to assist the Board and Division. I encourage clients to keep detailed notes of questions that may arise and of any new information or other important matters that come to your attention.

One additional suggestion in that regard: Some of our regular clients have found it helpful to have the attorney on-site, in order to be available for staff to be able to drop by with questions that may arise, rather than always having to email them. I would be prepared to arrange to be on-site at LCPS central administration, say, twice per week on some scheduled basis for that purpose. In that situation, I do not charge billable time for the travel, nor for time while there spent on non-LCPS matters.

Communication via email is not necessarily the most secure means of communication, though nowadays, it is widely employed. In any event, by signing this agreement, you acknowledge that we may correspond by email, notwithstanding the risk that communications may be intercepted by third parties.

If at any time you become dissatisfied with our handling of any matter, you should not hesitate to tell me immediately so we can resolve the problem and maintain a good relationship with you. LCPS may terminate our representation at any time. In the event of termination, LCPS will be responsible for payment of any fees earned or expenses incurred. Blankingship & Keith may terminate this relationship upon written notice and only as permitted or required by laws and regulations, or if you fail to cooperate or follow our advice on a material mater, or if there exists at any time a factor circumstance that would, in our opinion, render our continuing representation unlawful, unethical, or otherwise inappropriate. Failure to pay fees or expenses will be cause for such termination.

The Firm also agrees, upon termination, to undertake steps to the extent reasonably practicable to protect your interests, including allowing time for employment of other counsel and providing your file as required by the Virginia Rules of Professional Conduct.

The Firm will take reasonable steps to protect the confidentiality of all confidential information obtained during the course of our representation of you including after the termination of the matter. If the Firm receives a demand from any person or entity for the contents of your file, the Firm will use its best efforts to immediately notify you of such a demand so that you may take what efforts you think appropriate to resist or comply with the demand.

The Firm shall provide services as an independent professional. Under no circumstances will the Firm be considered an employee of the School Board.

AMERICAN OVERSIGHT

B&K Blankingship Keith pc
4020 University Drive
Suite 300
Fairfax, Virginia 22030
T: 703.691.1235
F: 703.691.3913

JOHN F. CAFFERKY
jcafferky@bklawva.com

The Firm shall assume all risks for damage or injury to their property, their person, or to their employees or subcontractors as a result of or in connection with the contracted services. The Firm shall assume responsibility for damage they cause to the property of others as well as any personal or bodily injury they cause to others in connection with the agreed upon services.

The Firm shall maintain in force during the term of this engagement general liability and lawyers' professional liability insurance, with coverage of at least One Million Dollars ($1,000,000) for each occurrence, insuring itself and its agents and employees for their wrongful acts, omissions or negligence. The Firm shall provide to LCPS evidence of such insurance coverage in the form of a Certificate of Insurance.

If the terms of this engagement letter are acceptable, please sign below and return a signed copy to me.

Please call me if you have any questions regarding the terms of our proposed representation. We look forward to the prospect of working with you, LCPS and the Board.

Very truly yours

John F. Cafferky

Accepted By:

Scott A. Ziegler, Ed.D.
Division Superintendent
Loudoun County Public Schools

Signature: _____

Date: June 16, 2021

AMERICAN OVERSIGHT
VA-22-0316-A-000302

GUIDELINES FOR OUTSIDE COUNSEL

These guidelines provide for when and how to bill for services, describe reimbursable costs, and provide expectations for planning and budgeting for legal cases/projects reasonably anticipated to meet or exceed $10,000. Legal services may be procured by competitive negotiations for any cases/projects or other matters whose aggregate phases are expected to meet or exceed $60,000.

I. BILLING

A. Format. A separate billing statement should be submitted for each School Board case/project for which the Firm or attorney is working. If the Firm submits a single statement, itemized billable hours and disbursements for each project should be set forth in a separate section of the statement. The following information is required on each billing statement with respect to each case/project:

1. Title of the project (assigned upon retention of services by the responsible School Board staff member).

2. Name of the outside attorney in charge of the project.

3. For each date that services are rendered, a description should accompany the entry and the amount of time spent (see Paragraph B below) and be written with sufficient specificity so that the School Board staff member may understand the nature of the time spent, the specific subject matter and transaction and should include factually detailed information.

4. Entries should be listed or compartmentalized in a fashion that facilitates redaction of confidential information, if necessary.

5. Total hours billed for the period by each provider of services.

6. Billing rate for each provider of services.

7. Specific fee arrangements, if applicable.

8. Aggregate fees for the monthly billing period.

9. Itemized disbursements for the monthly billing period.

10. The Total Approved Budget for the Case/Project, if any.

11. The total amount billed on the case/project from inception through the current bill.

12. No bill should be submitted with blocked/bulk time entries. Time entries must be separated by each task performed.

B. Rates and Practices

1. Notice of any changes in rates must be provided to the School Board, in writing, before becoming effective.

2. Hourly billable rates shall be billed in six (6) minute increments as reflected by one/10th (.10) increments on a monthly bill. Quarter (.25) incremental billing or minimal fifteen (15) minute billing increments are prohibited.

3. Cases and matters should be staffed by the fewest number of attorneys and paralegals necessary to perform the work effectively and efficiently without jeopardizing quality.

AMERICAN OVERSIGHT

4. The School Board will not pay for the attendance of more than one attorney at meetings, depositions, interviews, hearings or other investigative and/or pre-trial matters, unless approval is obtained at last seven (7) days in advance.

5. Selection of attorneys and legal assistants to work on an assigned case/project should be identified in plans and budgets for projects anticipated to meet or exceed $10,000 and agreed to by the School Board. The School Board generally prefers not to have first- or second-year associates or summer associates assigned to its cases/projects. If it is necessary to associate with counsel outside the firm, or to retain experts to work on a project, you must advise us in advance of the need for their involvement, their billing rates and the budget for their services and obtain our approval before retaining them regardless of whether costs are reasonably anticipated to meet or exceed $10,000.

6. The School Board will not pay for the Firm's attorneys/paralegals participating in internal Firm meetings or discussions without our presence. The School Board does not pay to offset the training or supervision of associates or others. We also ask you to keep to a minimum the number of attorneys participating in telephone and office conferences with us for whom you intend to bill.

7. The School Board retains outside counsel for their expertise in the areas of law involved in a project. Therefore, we do not expect basic research, seminars, or other trainings to be part of any plan, budget, or billings. Any proposed material research memoranda should be itemized in any approved plan and budget. Research on a body of law that outside counsel should be familiar will not be allowed.

8. Duplication/repetition of effort among staff members must be avoided.

9. Attorneys and paralegals may not bill for clerical tasks.

10. The School Board will not pay to bring associates or staff up to speed on a case due to unforeseen changes in staffing by the Firm.

11. The School Board will not pay for time spent in preparing, revising, or discussing budgets or bills or answering questions about the budget or bills.

C. Frequency and Retention of Bills

1. Unless another arrangement has been agreed to in writing, bills should be submitted monthly, no later than fifteen (15) days following the last business day of the month during which services were rendered.

2. Outside counsel is required to prepare and maintain all bills and supporting documentation for seven (7) years. For audit purposes, daily time sheets maintained by attorney name, caption, date, time with a detailed description of services are to be included in the needed documentation.

II. REIMBURSEMENTS

A. Travel

1. Travel to and from meetings, depositions, hearings, trials, etc. shall not be allowed except with advance approval and shall be paid at one-half the usual hourly rate or the Firm's travel rate, whichever is lower, for in-state travel. If the Firm has no travel rate that is customarily charged to clients, then there shall be no travel rate charged to the School Board or if the customarily charged rate is lower than the formula here, then the School Board shall receive the benefit of the lower rate.

2. Travel time and expenses will be disallowed if travel distance from outside counsel's office to destination is within a ten (10) mile radius, including travel time to and from the courthouse or other destination for attending hearings or depositions or the filing of pleadings or other litigation or pre-litigation activities.

AMERICAN OVERSIGHT

3. Should out-of-state travel become necessary, outside counsel shall always seek pre-approval from the responsible School Board staff member. When the occasion arises, outside counsel should seek the most economical means of travel and instruct travel agents accordingly. In any event, air travel will not be reimbursed at more than coach (domestic) or business class (international) rates. Similarly, expenses for lodging and ground transportation should be as economical as reasonably feasible. Receipts are required for all travel expenses, except meals. Meals will be reimbursed at $61 per full day.

4. Outside counsel is urged to plan travel so that travel time may be used to work either on the School Board matter for which the travel is being undertaken or for other clients so as to avoid billing the School Board for unproductive time.

B. Digital Legal Research

1. Major computerized research projects should be authorized in advance. A computerized research project is considered major when the online time is expected to exceed three (3) hours. Repetitive research queries that duplicate prior research conducted in other cases on the same issue will not be allowed. However, reasonable time to update and/or modify prior research for use in a new case is acceptable, and therefore, compensable.

2. Should the need arise for outside counsel to retain an expert, other specialized service provider, or other specialized services, written pre-approval must be obtained from the responsible School Board employee at least seven (7) days in advance of retaining the expert, the service provider or specialized services.

3. Charging for the use of a "litigation support department" or other such personnel to handle eDiscovery or other electronically stored information shall be prohibited in routine matters and may be considered by the School Board only upon advanced written request from the Firm containing a stated budget estimate.

C. Other Reimbursements

1. The School Board will not reimburse for courier service or expedited mail when the urgency is a matter within outside counsel's control.

2. The School Board will reimburse the following disbursements as indicated:
   (i) Lexis/Nexis and/or Westlaw Cost
   (ii) Law firm photocopies cost, not to exceed $.05/page
   (iii) Postage/courier cost
   (iv) Office long-distance telephone and fax cost
   (v) Printing and binding cost

3. The School Board will not reimburse for the following:
   (i) Mail handling
   (ii) New File Set up
   (iii) Calendar maintenance
   (iv) Copying when digital copies could have been provided,
   (v) Faxing,
   (vi) Data Entry
   (vii) Routine Scheduling
   (viii) Enclosure or transmittal letters (attorney or clerical time)
   (ix) Secretarial overtime
   (x) First Class airfare
   (xi) Scheduling of events, i.e., depositions, hearings, etc.

AMERICAN OVERSIGHT

III. LEGAL PROJECT MANAGEMENT PROCEDURES

A. Plan and Budget

1. For legal projects, whether transactional or litigation, strategic plans and budgets are the primary mechanisms by which the School Board collaborates with outside counsel to promote the best legal/business result possible. This enables the School Board to most effectively manage and monitor a project, to control costs and plan internal department budgets, and to mobilize needed in-house resources. In litigation matters, it permits the School Board to evaluate potential exposure, to analyze settlement values and approaches and to develop the most effective strategies for successful dispute resolution.

2. Consequently, a plan and budget must be prepared at the inception of any case or legal project for which costs are reasonably anticipated to meet or exceed a total of $10,000. No payment for services will be authorized until a plan and budget have been submitted and approved.

3. The School Board will not pay for time spent preparing or revising project plans and budgets.

4. The budget should represent a realistic estimate of the time expected to be required, taking into consideration known facts and circumstances. The total budgeted expense should be expressed as a dollar amount, not a range, and should not factor in unforeseen contingencies. For complex projects, the plan and budget may encompass only the initial phase of a project. Subsequent phases may be planned and budgeted later.

B. Essential Components

1. The degree of detail required will vary with the complexity and projected total cost of any given assignment and should be discussed with the responsible School Board department when retained. At a minimum, a Legal Case/Project Budget must be completed and approved for each legal project meeting the criteria. The following information should be provided:

2. Name of case/project.

3. Identification of partners, associates and legal assistants who will staff the project and their billing rates.

4. A description of the legal project, itemizing the material legal services to be undertaken, the estimated hours/cost required for each and the key milestones (by date or time period, as appropriate) for completion.

5. Identification of any significant expected expenditures for experts, travel, printing, filings, exhibits, eDiscovery and the like.

6. For litigation: an evaluation (to be updated or refined as developments warrant) of probable exposure/award ranges, settlement prospects and strategies, and opportunities for alternative dispute resolution.

7. For non-litigation: preliminary identification of primary areas of legal or factual investigation or research, and/or proposed strategy.

8. In many cases, we anticipate that the plan and budget will be created following discussions among the School Board, business services representatives, Division Counsel, and outside counsel, at the inception of the project. After the School Board has received the plan and budget from the Firm, we will discuss any questions or comments we may have, and any changes required before the plan and budget are approved.

AMERICAN OVERSIGHT

C. Revisions of the Plan and Budget

1. The budget represents the total amount authorized to be paid for the specific legal project unless a revised budget is approved by the School Board.

2. In the event unforeseen developments signal that the budget is in danger of being exceeded, outside counsel will inform the School Board before the budget is exceeded in order to discuss the new developments, the alternative strategies available, and to agree upon a revised plan and budget for the project.

3. A revised budget must be approved before services will be authorized in excess of the original budget.

D. Reporting. Outside counsel are not required to provide written reports provided the School Board department head is kept informed of substantial developments or unless a written report is requested by the School Board department head.

E. Documentation. Outside counsel must always provide the School Board department head the following documentation in a timely manner:

1. Copies of all pleadings and amended pleadings, reports, evaluations, memoranda, legal research, legal opinions, or other substantive documents that are either prepared or received by outside counsel.

2. A copy must also be sent to Division Counsel when applicable.

F. No payment will be made for preparation of pleadings and other substantive documents when copies have not been furnished to the School Board for advance review and/or approval.

IV. DISPUTE RESOLUTION

A. Regarding any dispute with the Firm, the Firm shall first be required to seek the decision of the Division Superintendent prior to instituting any legal action in any court. All legal actions shall be brought in the Loudoun County Circuit Court. Each party will pay their own legal fees.

B. Binding arbitration is strictly prohibited.

C. Non-binding mediation may be mutually agreed upon by the parties.

AMERICAN OVERSIGHT

EXHIBIT G

AMERICAN OVERSIGHT

1

IN THE GENERAL DISTRICT COURT OF LOUDOUN COUNTY
----------x
COMMONWEALTH OF VIRGINIA, :
Plaintiff, : Case No.
vs. : GC 21002176-00
JON TIGGES, :
Defendant. :
----------x

Hearing
Before the Honorable IAN R.B. WILLIAMS
Leesburg, Virginia
Wednesday, September 22, 2021
9:32 a.m.

Job No.: 401256
Pages: 1 - 176
Transcribed by: Teresa R. Salazar

2

Hearing held at:

LOUDOUN GENERAL DISTRICT COURT
18 East Market Street
Leesburg, Virginia 20176
(703)777-0312

Pursuant to agreement, before Brendon Cuenca, Notary Public in and for the State of Maryland.

3

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:
BUTA BIBERAJ, ESQUIRE
LOUDOUN COUNTY ATTORNEY'S OFFICE
20 East Market Street
Leesburg, Virginia 20176
(703) 777-0242

ON BEHALF OF THE DEFENDANT:
CHRISTOPHER I. KACHOUROFF, ESQUIRE
DOMINION LAW CENTER, P.C.
13649 Office Place
Suite 101
Woodbridge, Virginia 22192
(703) 365-9900

4

A P P E A R A N C E S
(Continued)

ON BEHALF OF DEFENDANT:
JOSH HETZLER, ESQUIRE
FOUNDING FREEDOMS LAW CENTER
707 East Franklin Street
Richmond, Virginia 23219
(804) 971-5509

ALSO PRESENT:
Jon Tigges, Defendant

AMERICAN OVERSIGHT
VA-22-0316-A-000309

5

C O N T E N T S

	PAGE
PLAINTIFF'S OPENING STATEMENT: Ms. Biberaj	11
DEFENDANT'S OPENING STATEMENT: Mr. Kachouroff	13

WITNESSES FOR THE PLAINTIFF:	Direct	Cross	Redirect	Recross
Scott Ziegler	23	53		
Easton McDonald	78	104		
Jason Leydig	116	143	146, 150	149

E X H I B I T S

(Retained by the Court.)

EXHIBIT	PAGE
Exhibit 1 Video	116

6

P R O C E E D I N G S

MS. BIBERAJ: Good morning, Judge. Buta Biberaj for the Commonwealth.

THE COURT: Good morning, again. Got Mr. Tigges somewhere?

MR. TIGGES: I'm here, sir.

THE COURT: That's you?

MR. TIGGES: That's me.

THE COURT: Where's your lawyer?

MS. BIBERAJ: Judge, they were outside just a moment ago.

THE COURT: Okay. All right.

All right. Is it Mr. Davis? Is that right?

MR. KACHOUROFF: Mr. Tigges, Your Honor.

THE COURT: No, no, but what's your name?

MR. KACHOUROFF: Good morning, Your Honor. My name is Chris Kachouroff.

THE COURT: Nice to see you.

MR. KACHOUROFF: I'm Co-Counsel with

7

Josh Hetzler --

THE COURT: All right.

MR. KACHOUROFF: -- on this matter.

THE COURT: All right. Thank you very much. And this matter comes on, on a trespassing charge. I take it there's a plea of not guilty to that charge?

MR. KACHOUROFF: You would be correct, Judge.

THE COURT: All right. Are there any preliminary matters that need to be addressed before we start the trial?

MS. BIBERAJ: Judge, there would be request to rule on witnesses. Other than that, no, sir.

THE COURT: All right. How many -- let me ask the Commonwealth, how many witnesses do you have?

MS. BIBERAJ: Judge, we have potentially six.

THE COURT: Six witnesses. How many do you have?

8

MR. KACHOUROFF: At this time, I don't have any witnesses to put on.

THE COURT: Okay. All right.

MR. KACHOUROFF: I do have one housekeeping matter, though, Your Honor.

THE COURT: Okay. Let's -- let me swear the witnesses first.

MR. KACHOUROFF: Okay.

THE COURT: And then I'll take up the other housekeeping matter.

Let me ask any person here as a witness in the case of Commonwealth versus Jon Tigges to please stand, raise your right hand to be sworn at this time.

Do you and each of you swear or affirm the testimony you'll give here today will be the truth and the whole truth, under penalty of law?

THE WITNESSES: I do.

THE COURT: Thank you. And who would be your first witness? I'll let the others go out in the hall.

MS. BIBERAJ: Judge, Dr. Ziegler will

AMERICAN OVERSIGHT

9

be my first witness.
THE COURT: All right. He can stay where he is right now. The other witnesses need to go out in the hall. Do not discuss this case while you are waiting. And we will call you if and when you're needed as a witness.
THE COURT REPORTER: Your Honor, would you like to swear me in?
THE COURT: Do you swear or affirm you'll transcribe the evidence and the testimony presented here today to the best of your ability under penalty of law?
THE COURT REPORTER: I do.
THE COURT: Thank you very much.
THE COURT REPORTER: Thank you.
THE COURT: All right. And you said you had some matters you wanted the Court to address?
MR. KACHOUROFF: Yes, Your Honor. The first thing, he's been charged under 18.2-119 and for being warned for trespass at a school board assembly. I believe the correct charging statute

10

should be 18.2-128, which is trespass upon school property is what this case arises out of, and so I would request that the Commonwealth either amend it or move to dismiss. I think they'll amend it.
THE COURT: I don't know. What's your response to that?
MS. BIBERAJ: Judge, if the Court would grant me one second.
Judge, we would ask the Court to amend it to 18.2-128, Subsection B.
THE COURT: 18.2-128, B as in?
MS. BIBERAJ: B as in Boy, sir.
THE COURT: Bob. Any objection to that?
MR. KACHOUROFF: No, Your Honor.
THE COURT: All right. That's done. That's amended. Any other preliminary matters that need to be addressed?
MS. BIBERAJ: Not on the part of the Commonwealth.
MR. KACHOUROFF: No, Your Honor.

11

THE COURT: Okay. Would either counsel like to make an opening statement?
MS. BIBERAJ: We would, Judge, briefly.
THE COURT: If either counsel at that distance may lower your mask if you wish to communicate more efficiently.
MS. BIBERAJ: Thank you, Judge, and I may do that just when addressing the Court. Thank you for the benefit to be able to do that. Good morning.
THE COURT: Good morning.
MS. BIBERAJ: Judge, on June 22nd of 2021, in the Loudoun County Public School administration building located in Loudoun County, there was a school board meeting. Based on the incidence of that evening, it was assessed that the level of risk to the community as far as individuals becoming agitated and aggressive, the school board ended up terminating the public comment.
That was made -- the announcement was made by Dr. Ziegler, who is the agent of Loudoun

12

County Public School System, directing individuals to go ahead and vacate the boardroom. That warning and that request was repeated on numerous occasions.
Mr. Jon Tigges, who we'll identify for the Court as the person in the courtroom here today --
MR. KACHOUROFF: We'll stipulate.
MS. BIBERAJ: -- ended up refusing to leave when specifically asked whether or not he was going to leave. He was then placed under arrest. Later, after some of the other incidences related to the crowd control, he was released on a summons and is here today for trial.
We would ask the Court at that point to find that he willfully refused to leave the premises as directed by the proper authorities and, therefore, is guilty of trespass upon school property. Thank you.
THE COURT: Okay. Would you like to make an opening?

AMERICAN OVERSIGHT
VA-22-0316-A-000311

13

MR. KACHOUROFF: Please, Your Honor, briefly.

May it please the Court, this was a school board meeting and under Virginia law, as the Court may know, I think it's 2.2-3707, the open meeting statute, all public meetings that are designated for -- as a public forum, you're entitled to have the public there listening.

Now in this particular open meeting case, you have a school board that decides to terminate public comment, and they decide to terminate public comment because people are not showing applause this way. And I'm motioning with my hands. They call them -- I don't know if they call them glee hands or jazz hands, where that's how they show their approbation and applause to a speaker. The school board didn't like this (claps hands), so -- and I'm clapping, obviously for the court reporter's benefit.

So in this open meeting statute where you have a crowd that's present, they have a right to be there. It's a duly noticed meeting.

14

The school board sets the time, place, and manner. They actually designated a portion of the public meeting for public comment. Now they decided to terminate public comment and went on recess. The public meeting wasn't over. The public had a right to be there. Indeed, one the deputies stayed for that meeting after the room was clear because he wanted to hear a point that was going to be discussed, so basically operating as a member of the public at that point.

I heard my colleague say that it was assessed that there was a risk, that there was this level of agitation and safety to the public. Well, Virginia statutes cover that, and they have codified -- the general assembly had codified a well-known statute. It's the unlawful assembly statute and that statute is probative here because, first of all, the superintendent, as you'll hear -- I know they won't deny this. They can't because it's on tape -- declares this to be an unlawful assembly.

And under the Virginia Code, in order

15

for this to be an unlawful assembly, there's two things that have to occur and this is under 18.2-406. First, three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize serious public safety, peace, or order, and the assembly actually intends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, etcetera, etcetera.

So there's two components, lawful or unlawful use of force or violence and likely -- and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breach to public safety, peace, or order. Then the statute declares it is an unlawful assembly.

So we have a conundrum that you'll face when you -- the issue in this case is this. Was the superintendent correct in dictating that this was an unlawful assembly? I fully expect the

16

officers who I spoke with moments ago to testify that they declared of their own determination that the trespass should be declared, nothing to do with the superintendent's declaration of unlawful assembly. I suspect they know that there's not three or more persons.

There was an incident and you'll hear about that but essentially, if you look at brief chronology, and I generally hate doing chronologies because they're tedious, but generally speaking, the board doesn't like the clapping. They warned the crowd not do it again, so the crowd for the most part complies. Then Former Senator Dick Black gets up with a rousing speech and they can't help themselves and they clap. The clapping dies down.

The board determines that it is going into recess and they're terminating public comment. They didn't terminate the meeting, just public comment. So during this time, Jon Tigges stood up and said to the folks, look, we all came here to talk, so while they're in recess, why

AMERICAN OVERSIGHT
VA-22-0316-A-000312

17

don't each of you say what you wanted to say, take a minute and address the crowd since nobody's in the room, and they were still waiting for the board to resume on the dais.

During that time, a squabble breaks out. Somebody in the front row, a gentleman who was already -- his case has being adjudicated in the circuit court -- a leftist protestor came up to him and said that his daughter wasn't really molested in school. He --

MS. BIBERAJ: Objection, Judge. I don't mean to interrupt, but this has nothing to do with the proceedings before the Court. It's only intended at this point to prejudice the Court for some other unrelated matter and I would object and ask Counsel to stick to the issues of June 22nd, as they relate to Mr. Tigges.

MR. KACHOUROFF: My understanding was she opened the door when she said there was a risk of -- high level risk of agitation. If she's not going to bring that up and I'll stipulate then that we -- that's irrelevant to

18

the case by her proffer. I mean, that's up --

THE COURT: Well, I understand that she's saying the argument is not relevant.

MR. KACHOUROFF: Right. So I'm stipulating that that's not relevant.

THE COURT: (Indiscernible).

MR. KACHOUROFF: That makes her case more difficult to prove this unlawful assembly, so that -- I'll accept it as is, if that's what she wants.

THE COURT: Has he correctly recited your position on this?

MS. BIBERAJ: No, Judge. The point that I was making is what was the reason as to why that person that was unrelated to Mr. Tigges, as far as their interaction, was arrested and what may have happened or not happened was not before the -- is not before the Court on that issue, so what happened to Mr. Smith -- is the person that he's referring to -- is not an issue before the Court. That was the point that I was objecting to. Everything else, he's more than

19

welcome to continue.

MR. KACHOUROFF: I'm merely reciting facts to you, Judge, of what's transpiring, so if she -- they're going to raise this issue, and so I'm just going to briefly go over it and you can decide -- you, as the fact-finder and experienced judge can determine whether it's relevant or not relevant.

But essentially, one of the officers comes up behind the guy. They don't -- grabs him. He says, get off me. They all tackle him. In the meantime, Mr. Tigges is at the front and he says -- tells everybody just to wait, stand down until the police do their job. So the police remove this gentleman. There was no further incident.

They continue the public speaking. It goes on for another five minutes. Everybody's being orderly. There were some people singing "The Star-Spangled Banner" or the National Anthem, if you will, and then the superintendent comes on the scene and he says that this -- he's

20

declaring an unlawful assembly, at which point the sheriff's department then comes on board and says, y'all have to leave. You're being warned for trespass.

Sheriff's department is going to get up here and I expect them fully to testify in the same manner that they told me just moments ago, that they made their determination of trespass separate and independent of the unlawful assembly that was declared by the superintendent. So there's problems with that, of course. First of all, there was no unlawful assembly. Secondly, the sheriff's department doesn't have the authority to clear that room, a public meeting, unless there some reason to clear it, some reason that trumps the First Amendment, trumps the open meeting laws in Virginia.

So I would argue, Your Honor, that under the statutes that we have, 18.2-128, a trespass upon school property which is before you, Subsection A talks about people being there, that you're not allowed to be on the property,

AMERICAN OVERSIGHT
VA-22-0316-A-000313

21

other than to attend a meeting or service held or conducted in such church or school property. So they were there to attend the property, and Subsection B says, it shall be unlawful for any person, whether or not a church member or student, to enter upon or remain upon any church or school property in violation of any direction to vacate the property by a person authorized to give such direction.

The sheriff's department has no authorization to end the public meeting. Only the school board can. The public meeting hadn't end -- I want to just clarify that. That's what the issue is. The public comment period had ended. Based upon that, the Commonwealth cannot prove their case. It's not possible to show that there was an unlawful assembly. The school board just can't sua sponte of their own accord decide that they don't want to hear any more of the public or they don't want to face their constituents. They just can't. Their authority to terminate a meeting, well, we don't even get

22

to that question because the school board never did.

When the room was cleared, they then came back and conducted the meeting and I maintain in violation of the open meeting law, but the point is that's not what's before you. What's before you is whether the sheriff had the authority independent of the superintendent to clear the room for trespass, to clear a lawful and valid public assembly that was there for a public purpose, to lawfully clear them for -- and warn them for trespass and arrest those people on the board. They did not.

Thank you, Your Honor.

THE COURT: Okay. Thank you. The Commonwealth will call its first witness.

MS. BIBERAJ: Judge, our first witness will be Dr. Ziegler, please.

THE COURT: Dr. Ziegler, come forward to the witness stand, which is up here to your right. You were sworn earlier with the other witnesses. And have a seat and you will be asked

23

questions by the Commonwealth attorney first, and then the attorney for the Defendant may also have questions for you. Thank you.

THE WITNESS: Yes, sir. Thank you.

Whereupon,

DR. SCOTT ZIEGLER,

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF

BY MS. BIBERAJ:

Q. Good morning, Dr. Ziegler.

A. Good morning.

Q. Dr. Ziegler, can you state your full name for His Honor, please?

A. Sure. Dr. Scott Ziegler.

Q. And I'm going to direct your attention please to June 22nd of 2020.

Were you employed on that day?

A. Yes, I was.

Q. And what was your -- the capacity of your employment?

24

A. I was, on June 22nd, the interim superintendent of Loudoun County Public Schools.

Q. All right. And can you give the Court a little bit of information as to what does that mean in relationship to your position and authority with the Loudoun County Public Schools?

A. The superintendent is charged with the day-to-day operations of the school, and proposing budgets, overseeing instruction, overseeing operations. Basically, the superintendent is the CEO of the organization.

Q. Excellent. And on that particular day, could you tell the Court please around about the 6 o'clock hour, where were you?

A. I was in the boardroom.

Q. Okay. And prior to that time -- I want to just lay a little bit of the background -- was there a school board meeting already planned for on that day?

A. There was.

Q. All right. And did it come to your attention that this board meeting was going to be

AMERICAN OVERSIGHT

25

heavily attended?
A. Yes.
Q. And how did you come to learn that?
A. Intelligence provided by our security director and also shared with -- my understanding is with the Loudoun County Sheriff's office -- led us to believe that there would be a large number of people in attendance at that meeting. We also do sign-ups for public speaking and there was an unusually large number of individuals that signed up for public speaking.
Q. Do you know what the capacity is of that boardroom?
A. It is just under 700.
Q. Okay. And at some time, based on your observations from that evening, was it near capacity, at capacity, greater?
A. It was at capacity. We had -- as far as I could see -- nearly every chair was filled and there was individuals standing along the back wall. I believe the count at the door was 669 or thereabouts.

26

Q. Okay. The way that the board meetings are set up, can you just please describe for the Judge as to how the room is set up, as far as the dais and the public, where they sit relative to one another.
A. The dais is a curved desk-like structure. All nine members of the school board sit behind that I sit behind that as well. One school board member was attending via videoconferencing that evening. About 10 or 12 feet in front of the -- well, about six feet, there is a podium with a computer control on it, and another six feet beyond that is the first row of the gallery. And then staff sits up on -- generally on either side but staff has tables and desks on either side of the dais.
Q. Okay. The building wherein this meeting was held, is that owned by the Loudoun County Public School System?
A. It is.
Q. And can you tell the Judge, please, where is that located?

27

A. At 21,000 Education Court in Ashburn.
Q. All right. And is Ashburn in Loudoun County?
A. It is.
Q. While the meeting was taking place on the dais, there's some mention of counsel as far as what proper decorum is for those who attend those meetings.
Can you give the Court a little bit of information as to how audience is expected and directed to act when they attend such meetings?
A. It is designed to be a respectful venue, where the public -- during that portion of the meeting when the public is giving their comment, the chair often asks -- and it is posted both in the sign-ups and in the agenda -- about proper decorum for the school board. And so that means being respectful of other speakers, not doing things like booing or offering gestures to speakers with whom you agree or disagree, and basically the chair would ask for the room to be generally quiet and respectful of speakers.

28

Q. Okay. And is that done so that each person who is speaking can have their time to speak and be heard?
A. That's correct, yes.
Q. On this particular evening, did something happen from the start of the meeting into the meeting that caused you to be concerned or have concerns as to the behavior that was being conducted during the meeting?
A. Yes, ma'am. One, it was a large crowd, so I was concerned about -- if there was an emergency -- about people being able to get out of the room expeditiously if we had to evacuate but there was also several instances where the crowd would get loud and disrespectful to speakers.
There was a lot of booing. There was a lot of finger-pointing. There was shouting from the gallery during several public speakers' comments either before or afterwards. I saw people that were raising fists, that were giving the finger. All of these things were occurring early in the meeting on a regular basis and got to the point

AMERICAN OVERSIGHT

29

where it was so rancorous that the board chair declared a brief recess.

Q. Okay. So now I want to go a little bit back into your personal background.

What about having seen that type of behavior caused you to be concerned, you said, for the safety of the attendees? What did you base that on? Do you have any training or experience in being able to assess incidences such as that?

A. I do, yes.

Q. Can you tell the Court, please, based on your background, what would that be?

A. From 1984 to 2003, I served as a police chaplain with the City of Virginia Beach, logged over -- well over 10,000 hours of service with the city police department during that time.

One of the main duties of a chaplain at that time was to assist with patrol during the summer months at the Virginia Beach resort area, which was particularly an area called The Block, which was often crowded, a number of bars on that street, and so we were trained to read crowds and

30

to intervene when necessary. And we would also form a protective shield around police officers when they were conducting arrests and hold the crowd back at bay, while arrests were being conducted.

Q. What did you obtain in your training to be identifiers to suggest to you that risk is being challenged, that you then saw during this board hearing?

A. So we were trained to evaluate voice tone. We were trained to evaluate body language, stances, posturing, body position. All of these things were -- we were told to be on the lookout for the crowd and to de-escalate when possible but to bring in police intervention whenever needed.

Q. Okay. And you said as far as to de-escalate. What forms of de-escalation were you trained that you can employ when the situation is starting to get, in my words, hot?

A. We would try separating individuals. We would try personal interaction. As a chaplain, of course, we're there not in an enforcement role,

31

but we're there to help with community relations, so often time, we would talk with individuals and try to de-escalate, try to get them to commit to a different course of action.

Q. Okay. From the consummate from the dais, what efforts were made by the chair of the school board to -- in essence to try to intervene or interact with the public to de-escalate the situation?

A. So in addition to the recess that was taken in order to, I believe, give the -- those attending time to return to a calmer state, she also gave several admonitions to maintain the decorum of the boardroom. She reminded those in attendance several times that it was the board's desire to hear all of the speakers and that, if decorum was not made -- was not maintained, that they would be unable to do that.

And then after a few warnings, when the crowd became loud, she said this is the final warning. I believe she said again that she wanted to hear all of the attendees, and then moved on.

32

Q. Okay. I'm going to go back a little bit to before the hearing took place in and of itself.

Did you have the opportunity to observe outside the school entrance, like the parking lot areas?

A. I did not, not directly, no.

Q. Okay. When you say not directly, did you become aware that there were individuals who had gathered outside the school board meeting?

A. Yes, there were. There were several groups that had gathered. We had designated a public assembly area for that night and there was several groups that had assembled in that public assembly area.

Q. All right. And that was done by the choice of the school board?

A. Yes.

Q. At any point in time prior to the meeting or while the meeting was going on, before it was terminated, was that space still made available to anyone wanting to assemble publicly and make comment there?

AMERICAN OVERSIGHT

33

A. Outside? Yes, ma'am.
Q. Yes. Okay. Now I'm going to bring you back inside. You indicated once the chair made the final warning and indicated that she wished to hear from all the protestors; however, they needed to conform with the expectations of the decorum of the board.
What then happened?
A. Many speakers continued. We had 256, I believe, speakers signed up for that night. And after the recess, which lasted about ten minutes, the board returned and public comment continued. The board chair issued that final warning and, for many speakers, those in attendance complied with the board chair's wishes to maintain decorum.
As counsel pointed out that the expectation in the boardroom is to use jazz hands. There were many people expressing support for individuals by using jazz hands. There was individuals holding up signs, but for a period of time for a number of speakers, the boardroom seemed to have settled down.

34

Q. Okay. You indicated at some point that the behavior expectations are in writing and on notice to the general public. You mentioned that it was on the public notice as far as the hearing.
A. Mm-hmm.
Q. Right? Is it also in any other policy or any other written mandates from the board?
A. It is. It appears on the agendas. The board chair reads it, reads the expectation before the beginning of every public comment period, and it's also in board policy.
Q. Okay. You indicated for the most part, soon after the last warning, things calmed down a bit.
Did things change after a while?
A. They did.
Q. And I'm going to ask you a question if I may. Where were you as you observed these changes?
A. I was sitting at dais.
Q. Okay. So you were actually physically in the room.

35

A. Yes.
Q. Can you tell the Court by using your senses, not just what you saw but also maybe the motions and things of that nature that you saw changing within the boardroom that caused you to be concerned for safety.
A. Yes. So when -- right before the board recessed for the second time, a speaker, Mr. Black, came up to the podium. It appeared to me as if many in the room were waiting for Mr. Black's speech. I have no way to confirm that, of course, but it appeared to me that they were waiting.
As Mr. Black's time expired, the board chair muted his microphone. He did not immediately relinquish the podium. He began yelling and at that time, the crowd stood up and began cheering, began moving about the room. I saw hands and arms in the air. Of course, I was concerned because with that kind of movement, even a jubilant movement with that many people in the room, it does become a safety concern.

36

Q. Okay. And in particular, you said even if it's a jubilant movement.
Would it be fair to say that there were individuals attending that meeting from a side in support of the comments that Mr. Black was making as there may be those in -- that were contrary to his position?
A. There was, yes.
Q. All right. Did you see any interaction between such individuals that you made that perception that caused you to be concerned about the safety?
A. Yes. Very early on, both groups were vocal. When a speaker would speak to a position of which they were in favor, oftentimes, especially early in the meeting, we would hear shouting, and we would see the finger being raised. We could hear cursing and chastisement, I guess, we would describe it as.
In particular, there was a comment made by a speaker on one side that mentioned something about religion. Those in the crowd did not appear to

AMERICAN OVERSIGHT

37

like that comment and became very vocal and -- in their opposition to that comment. At that point, I believe one gentleman who was sitting on the side of the room that I was on was raising his finger often and shouting, and he was asked to leave by staff. He did comply and left the boardroom because of the disruption he was causing there.

There was also, I mean, just telling people -- when one young man spoke about his personal experience, I heard the crowd tell him, we don't want you here anyway. The young man was talking about a suicide attempt or suicidal ideation, and I heard members of the crowd tell him that he wasn't wanted there. So the comments from the crowd caused me to believe that individuals may not have been in the majority that night felt unsafe.

Q. Did you have any concerns regarding the safety of any of the board members based on the responses and reaction of the attendees?

A. I did. There was several people in the

38

crowd that were voicing their opinions and their actions directly toward the board members. I recall one gentleman that was sitting in the front row that, when somebody would speak and he -- I guess he agreed with their position -- he would stand up and try to take a stance -- what we would call a posturing stance, I guess, directly facing the board members and he would just stare at the individual board members for several seconds.

Q. Okay. And why did that cause you to be concerned?

A. It's an unusual thing to do, right? So the way he would jump up, kind of lean in toward the board, and just hold their gaze until they turned around or until the speaker started, I felt he was doing that in an attempt to intimidate the board.

Q. Okay. With the repeated warnings made by the chair from the dais, did there come a point in time where it appeared to you that the meeting should -- the public comment meeting should -- I'm sorry -- public comment portion of the meeting

39

should be terminated?

A. Yes.

Q. Okay. And when was that?

A. That was immediately following Mr. Black's comments to the board.

Q. Okay. Now if I could ask you to bring us into that moment. I know you spoke a little bit about how some people maybe felt -- it appeared like they were waiting for him to have spoken and there was a response to that.

From where you were situated in that meeting, and if you were to look across the attendees, tell the Court, please, what did you see that caused you to now be concerned at a heightened level.

A. Just it appeared -- since it appeared to me that they were waiting for that moment, at that point, it just seemed like they were not going to come back under the decorum of the boardroom. So they began shouting. I did notice members of the gallery who did not agree with Mr. Black's position.

When the crowd jumped up, several gallery

40

members left. I saw several parents with children take their children out of the boardroom, so it just seemed like those who felt unsafe were trying to rush out and those who interested in disrupting the meeting just seemed to escalate and stay there.

Q. You also indicated that now there was also some movement within the boardroom. Is that consistent or inconsistent with prior behaviors within a board hearing?

A. Very inconsistent.

Q. Okay.

A. And this was -- 30 years in education, this was the first board meeting I've seen with this level of disruption.

Q. All right. And when you're having that mobility also take place, what does that do to your sense of assessment as far as safety within the boardroom?

A. So it's heightened for me because I have -- as in charge of operations of the school division, it worries me for the safety of those in

AMERICAN OVERSIGHT

41

attendance, right, because we have to be have to be able to evacuate the room. We have to be able to deal with emergencies. We have to keep the aisles clear.

These are all things that are expected in a public venue, no matter if you go to a football game or you come to a board meeting, these kind of things are safety-related no matter where you go, whatever kind of meeting you're attending.

Q. Okay.

A. And so I was -- I became exceedingly concerned that attention would be directed to either speakers who had previously spoken or people who were holding signs that were not in the majority opinion of the room. I became concerned for their safety, that if decorum is not resumed, that attention may turn to those individuals.

Q. All right. What, if any, action did you take relative to that assessment?

A. I'm sorry?

Q. What action, if any, did you take relative to that assessment, when you started

42

noticing that things -- as you said, you became exceedingly concerned?

A. So at that time -- at the same time shortly after Mr. Black finished his comments and the boardroom erupted, the vice chairman motioned to move the agenda and suspend or end the public comment. The chair called for a vote, and that vote passed unanimously, nine to zero, to move the agenda.

Q. Okay. Then what happened?

A. Then the crowd directed their attention to the board. They began -- there was some booing and jeering. There was shouting of things like you suck and F you, things like that. There was a lot of pointing and gesturing toward the board, middle fingers raised.

And then probably within 15 seconds of the motion being passed, the board evacuated the room and security, both school security officers and members of the Loudoun County Sheriff's office came to the front of the room, along with other administrative staff of the school division.

43

Q. Okay. From the dais, was there any statement made that since the public comment had been terminated, that people needed to leave?

A. There was after some time. The board evacuated to the back room. Initially, I left the room with the board members, and then probably after about five or ten minutes, I returned to the boardroom.

Q. All right. And upon your return, what did you then see regarding the attendees within the room?

A. I saw that they were kind of clustered around the center of the room. Well, there were many clustered around the center of the room, the center, front of the room. There was others kind of milling about. There was people standing on chairs. Chairs had been moved and were in a disarray. People were still shouting at one another.

There was a lot of press there, so some people were shouting toward the press. Some people were just shouting -- just in general, back

44

toward the school board. Somebody had brought in a voice amplification device at some point, and there was individuals, I guess, trying to organize their own version of public comment.

Q. Okay. What does this observation do to you as far as your assessment regarding the safety of the attendees?

A. So at that point, it became clear to me that we were not going to be able to restore order in the room, that these individuals were going to continue standing on chairs, that they were going to voice opposition to things that were on the agenda that night, but also that it wasn't going to be safe in the room for those who disagreed with their opinion. Basically, individuals had taken over the boardroom and it was very reminiscent to me of January 6th.

Q. Okay. As you're observing this, what do you then do?

A. So I conferred with Loudoun County Sheriff's office. Major McDonald was the senior officer on the scene. We talked about whether the

AMERICAN OVERSIGHT

45

room needed to be cleared. He agreed that it needed to be cleared but asked for him to be able to get additional law enforcement elements on site, so we waited approximately 20 minutes and then I, from the dais, after conferring with Major McDonald made an announcement to clear the boardroom.

Q. Okay. So now let's talk about that 20 minutes while you were waiting.

Did things start to calm down?

A. Not at all, no.

Q. Okay. How would you describe that 20-minute block as to what impact it made to your decision to ultimately announce that the boardroom was going to be closed?

A. So it appeared chaotic to me. People were standing on chairs. The voice amplification device made it impossible for us to communicate with those who were still in attendance. People were still trying to get out. Others were trying to come in. Chairs were disarrayed all across the boardroom, so to me, it was just chaotic. That's

46

really the best word to describe it.

Q. Okay. At the point that you choose to make an announcement, what announcement do you make?

A. I said that it was -- I declared that it was unlawful assembly and I warned those in attendance that if they refused to vacate the room, they may be arrested for trespassing.

Q. Okay. So now let's talk about your terminology of unlawful assembly.

Was that a legal determination you were making?

A. It was not.

Q. Okay. And the point that you wanted to communicate to the attendees was what relative to that statement?

A. The point that I was trying to get across was it was time to leave the boardroom and that if you refuse to leave the boardroom, you may be subject to charges of trespassing.

Q. Okay. How did you communicate that because you indicated that the room was pretty

47

loud and it was hard to hear. How did you communicate that so that it could be heard by those in attendance?

A. I used a dais microphone.

Q. Okay. And in response or after you made that statement, what, if any, action did you see being taken by the attendees?

A. A few, very few, moved toward the exits. The sheriff's office came in from a rear door in the auditorium to the left and they began taking individuals -- asking individuals who were on the periphery of the main group to leave the boardroom. Some complied. Some directly argued with the deputies who were in attendance.

Q. Did you hear additional requests made for people to leave?

A. Yes. I made the request at least four times.

Q. Okay. On that particular evening on June 22nd of 2021, did you have the occasion to see Mr. Jon Tigges?

A. I did.

48

Q. All right. Do you see him the courtroom today?

A. I do.

Q. Can you please --

MR. KACHOUROFF: I stipulate this is Jon Tigges.

MS. BIBERAJ: Thank you.

Q. Can you please identify him for His Honor? Are you able to identify him with an item of clothing or some identification, please?

MR. KACHOUROFF: I just stipulated, Judge, this is Jon Tigges.

MS. BIBERAJ: And I would appreciate if they allowed me to try my case but thank you.

MR. KACHOUROFF: (Indiscernible).

Q. Can you do that, please?

A. The gentleman sitting in the middle of the defense table.

THE COURT: All right. That's noted. He's pointing to the Defendant at counsel table. Counsel for the Defendant has also stipulated that that's who it is.

AMERICAN OVERSIGHT
VA-22-0316-A-000320

49

Q. On that particular day, as he's dressed here today, he wasn't dressed the same way that day, was he?

A. I believe he had on jeans and a t-shirt but I don't recall.

Q. Okay. And can you tell the Court, please, what observations did you make of his behavior on June 22nd?

A. I recall Mr. Tigges was sit in the -- seated in the front row, kind of toward the center of the room. Mr. Tigges was a participant in the meeting. His behavior was not notable until after the order to leave the room and the trespass order was granted -- or the trespass warning was granted.

Q. How did his behavior change that he then became of note to you?

A. He became very agitated. He was one of the -- I don't know if he brought in the voice amplification device, but he was one of the individuals that seemed to have control of the voice amplification device to me.

50

He was very loudly stating that he had a right to be there, that he was -- that those assembled had a right to address the board and to say what they had to say, and that he wasn't going to leave until he had his chance to say what he needed to say, or something along that line.

Q. At any point in time, did you have direct contact with him?

A. I did not.

Q. So you're seeing this from a distance.

A. I did, yes.

Q. What, then, do you see of Mr. Tigges?

A. So as the room was cleared and the crowd became less and less, those remaining were centered around Mr. Tigges -- I'm sorry -- Tigges -- I'll try to pronounce it correctly -- around Mr. Tigges.

And as the deputies began to concentrate their effort on that center group that had the most individuals remaining, Mr. Tigges began to directly challenge the deputies who were approaching him. The only interaction that we would have had and it was indirect is at one point, I recall Mr. Tigges saying something to deputies, are you going to side with the people are going to side with that thing, and he pointed at me at the dais with kind of an aggressive gesture.

51

Q. Okay. Then what is the next thing you saw or heard?

A. There was probably four deputies that were around Mr. Tigges. The deputies took control of the voice amplification device. Mr. Tigges was blocking deputies from coming into his space. At one point, I observed a police deputy sergeant ask Mr. Tigges if he was going to leave the premises. Mr. Tigges loudly said he was not going to leave, and the sergeant ordered the deputies to place Mr. Tigges under arrest.

Q. Okay. At any point of time thereafter, did you see Mr. Tigges?

A. I did not.

Q. Once he was -- prior to his being removed, was there any other incident that

52

occurred in the boardroom that was a -- of concern regarding safety to you?

A. There was two. There was a scuffle, a fight, that broke out that I did not observe but my security personnel brought that word of that fight back to me that an individual had been arrested.

MR. KACHOUROFF: Your Honor, I would object. This is hearsay.

THE COURT: I think he can testify that he received notice of that, but the particulars would not be admitted into evidence.

MR. KACHOUROFF: Thank you, Your Honor.

MS. BIBERAJ: Okay.

A. It was also brought to my attention that during the chaotic time of the -- when the board was in recess, that a woman was attempting to exit and became hurt on her attempt to exit, and that she required medical care which was delivered by EMS.

Q. Okay. Now while you were in the room, did you see another incident where law enforcement

AMERICAN OVERSIGHT
VA-22-0316-A-000321

53

had to arrest somebody for their refusal to leave?
A. I did not.
Q. Okay. Dr. Ziegler, I have no further questions at this moment, if you wouldn't mind answering any questions that Counsel may have. Thank you.
A. Sure.
THE COURT: Cross-examination?
MR. KACHOUROFF: Thank you, Your Honor.
CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Good morning, Dr. Ziegler.
A. Good morning.
Q. So this reminded you of January the 6th?
A. It did, yes.
Q. Were there people that were burning chairs inside the room?
A. No, but there were people who were moving chairs, aggressively, yeah.
Q. Okay. So you didn't see anybody -- like they were in Portland, burning chairs inside of a boardroom.

54

A. In Portland?
Q. Portland, Oregon.
A. Yes, I'm aware of where Portland is. I'm not sure what that has to do with January 6th, but, no, I didn't see anybody burning chairs.
Q. Where the -- what you observed, you described great chaos.
A. Yes.
Q. It was a great chaos like the Antifa riots we've all seen on TV, where they burned down buildings. They barricaded courthouses, or was this a crowd that was showing applause to the speakers they supported?
A. They were showing applause to the speakers they supported, but they were also showing aggression and animosity towards speakers that they did not support.
Q. On that note, you mentioned about somebody had mentioned something about Christians and that the crowd booed her.
Would you agree, sir, that the woman said that all these fake Christians who don't believe in Jesus, such hatred-filled in the room, was that woman talking about the policy or was she directing that towards the crowd?
A. She was likely directing that toward the crowd.
Q. And did the chair do anything to stop her?
A. The chair -- I don't know if she addressed that individual directly. She called a recess during that individual's comments.
Q. And after the recess was over, did she not say, Kelly, referring to the individual, you can resume your speech and added 40 seconds to her time?
A. She did.
Q. And did that person not then repeat, as I was saying before, she said -- did she not repeat that her comment that that room was filled with hate?
A. I believe she did but I didn't review her comments (indiscernible).
Q. And she was only the third speaker,

55

56

wasn't she?
A. She was toward the beginning. I wasn't counting but toward the beginning.
Q. And so at that point, the crowd -- when the second time that she spoke, the crowd quieted down. Is that fair to say?
A. I honestly don't recall.
Q. Because the crowd wanted to -- there were people, members of the public, wanted to speak and they didn't want the dais to shut everything down. Is that correct?
A. That's correct, yes.
Q. Now, you talked about proper decorum. There's nowhere in school board policy that says you have to use these jazz hands thingamajiggers. I mean, you can just go ahead and clap. There's nothing in the board policy that says that you can't clap.
A. No, there's not.
Q. And so, yet, the dais decided that it didn't like the clapping. Is that right?
A. I wouldn't know what the dais

AMERICAN OVERSIGHT
VA-22-0316-A-000322

57

particularly was objecting to. They were objecting, I guess, to the noise level. The clapping, and the shouting, I think would be included in that, not just the clapping.

Q. And you mentioned you saw people standing and it had you concerned.

Did the board not say to use your hands, stand up and show signs to show you -- and not clap? Isn't that something they admonished the crowd?

A. I don't know if they -- if she said stand up. She definitely said use your jazz hands is what it's referred to in the boardroom.

Q. In fact, she said, use signs. Hold your signs up.

A. Mm-hmm.

Q. And you don't recall her saying stand.

A. I don't, no.

Q. So the best evidence of that would probably be the video that we have of the entire incident. Is that correct?

MS. BIBERAJ: Objection, Your Honor.

58

That would be for the Court to determine, what best evidence is here.

THE COURT: That's sustained.

Q. Yeah. You would agree that a video of the event would be -- it could show the entire event accurately and truthfully. You agree that that video would be the best depiction of what happened at that -- on that night.

A. Yes.

Q. And you said that you were a police chaplain --

A. Yes.

Q. -- in Virginia Beach for 20 years.

A. For eight.

Q. Eight years.

A. Yes, '94 to 2003.

Q. Oh, '94. I thought you said '84 to 2003. Okay.

A. I'm not quite that old, Counsel.

Q. So were you sworn law enforcement?

A. No.

Q. And what -- was that your main job?

59

That was what you were supposed to do?

A. No, that was a volunteer position.

Q. A volunteer position. And so as a volunteer, they had you out in crowd control?

A. They did. From '94 to 2008, we received full weapons training and full defensive tactics training. Until '96 or '97, we carried weapons.

Q. And so you said -- so you were -- you'd gone to the police academy?

A. No, we had a designated academy for chaplains.

Q. Okay. You were analogizing the crowd that was there that night to the crowds that come from bars where people had been drinking on the strip in Virginia Beach.

A. Yes.

Q. And so as far as you know, there was no liquor being served at this meeting.

A. There was not.

Q. You say you were trained to read crowds.

A. Yes.

Q. What kind of training do you have to

60

read crowds?

A. Again, I would point to my police chaplain training that goes back to the early 90s. So you're trained to look at a crowd and to try and ascertain what's going to happen next, to try to predict what's going to happen next.

Q. So do they tell you that when you see a an individual furrowing his brow at you, that that's a danger sign?

A. That would be considered a sign of -- or could be considered a sign of aggression. You would certainly pay additional attention to somebody whose body language was posturing towards you.

Q. And you needed to be taught that to know what that meant?

A. I mean, no, I would know it instinctually but you asked specifically what my training was.

Q. As part of your training, you talked about de-escalation, that you try to talk to individuals to try to de-escalate. Fair enough?

AMERICAN OVERSIGHT
VA-22-0316-A-000323

61

A. Fair enough, yes.
Q. At no time did you ever announce from the dais or by the microphone which you had control of, your voice amplification device on the board -- at no time did you ever tell the crowd to -- listen, I'm going to declare an unlawful assembly. I'm going to warn you for trespass if you don't settle down.
A. The warning was the trespass notice, yes.
Q. So you did not at any time tell them to settle down or you were going to have to clear the room for trespassing.
A. No, the chair was -- had done that several times.
Q. I'm not asking about the chair. I'm asking about you.
A. No, I did not. I said no. Yeah. No, I did not.
Q. So you did not use your training to de-escalate that situation?
A. I did not try to de-escalate that

62

situation, no.
Q. You claimed that there was a public assembly area outside, a public comment area.
A. A public assembly area, not a public comment area.
Q. So what was the public supposed to do outside?
A. That was a place for them to gather --
Q. To do what?
A. -- designated for protests, designated to gather, I mean.
Q. And you didn't announce that from the dais microphone, that there was a public comment outside that they could -- or a public area where they could assemble outside, did you?
A. No.
Q. That wasn't something the board had planned in advance and had noticed for the meeting, had it?
A. We designate -- whenever we anticipate a large crowd, we designate an area of the parking lot as the public assembly area.

63

Q. You were talking about the school board policy for decorum, right?
A. Yes.
Q. And decorum is contained in School Board Policy 2050, is it not?
A. That's correct.
Q. And 2050 doesn't mention anything about applause.
A. It does not.
Q. You said you were concerned for the safety of the board.
A. Yes.
Q. And you were concerned about voicing opinions towards the board meeting -- the board members, rather.
A. That's correct.
Q. You understand that this is a political meeting, right?
A. Yes.
Q. And that the crowd that is there are constituents of the board.
A. Yes.

64

Q. The board is elected.
A. Yes.
Q. These are elected officials.
A. Yes.
Q. You claim that immediately following Mr. Black's discussion, that the board erupted.
It erupted with applause or it didn't erupt with violence, did it?
A. Applause, and cheering, and as I said, standing up.
Q. And at some point, the applause and cheering ends, correct?
A. Yes.
Q. And the board then at that point decides that it's going to now terminate public comment.
A. That's correct.
Q. At that -- when they terminated public comment, it was audible for the room to hear.
A. Yes.
Q. Because nobody was applauding or clapping at that point.
A. Not at that point, no.

AMERICAN OVERSIGHT
VA-22-0316-A-000324

65

Q. They were listening to what the board had to say.
A. Yes.
Q. So you left the room with the board members. For about five minutes, you were with the board members.
A. Yes.
Q. Did they tell you to declare an unlawful assembly?
A. They did not.
Q. What did they tell you?
A. They didn't tell me anything. They asked what was going on out in the room and they were conversing amongst themselves.
Q. And what did you tell them about what was going on in the room?
A. I told them that it seemed to be out of control, that people were -- as I described earlier.
Q. There was nobody jumping all over the dais, and when I say the dais, that's the bench where all the board members were, right?

66

A. That's correct.
Q. There was no member of the public sitting in the chair, spitting on their chairs.
A. No.
Q. So you gave -- you conferred with the Loudoun County Sheriff's office and you told them that the room needed to be cleared.
A. No. I asked them, do we need to clear the room? We had a conversation and I didn't say the room needed to be cleared. I'm not in a position to direct the actions of the sheriff's office.
Q. So you --
A. We had a conversation.
Q. Let me understand this. You declare an unlawful assembly and you don't tell the sheriff's office to clear the room.
A. I conferred with members of the sheriff's office before I made that announcement.
Q. Did you order them to clear the room?
A. Order who?
Q. The sheriff's office.

67

A. I did not.
Q. Did you ask them to clear the room?
A. In cooperation, the sheriff's office and I had a conversation with the ranking member of the department that was there and we had a conversation, is it time to clear the room? We agreed it was time to clear the room, and Major McDonald gave me the go-ahead to make the announcement.
Q. So the sheriff's office was directing you to make the announcement?
A. Again, we made it cooperatively after assessing the situation.
Q. So you said go ahead and clear the room?
A. I'm sorry?
Q. You said to go ahead and clear the room?
A. No. Major McDonald said go ahead and make the announcement.
Q. You're a superintendent of a public school system, are you not?
A. I am.
Q. And as the interim superintendent of the

68

public school system, you've got school resource officers, police officers that are on campus, do you not?
A. There are resource officers on campus, but they're members of the Loudoun County Sheriff's office.
Q. Right. And so they are there to restore order when they see crimes occurring.
A. That's correct.
Q. And you believe that there was trespass going on in this room when you decided to clear it. You decided they -- people didn't have a right to be there anymore.
A. That's correct.
Q. The board didn't do that. You did.
A. That's correct.
Q. You said that the unlawful assembly was not a legal determination.
A. That's correct.
Q. Did you do that when you talked to the Commonwealth's attorney? Did you talk about that issue?

AMERICAN OVERSIGHT

69

A. No. Upon reflection, we did an after action debrief with my staff and we agreed that, after reviewing the code that counsel cited at the beginning of the trial, that my words were incorrect. They were given in the heat of the moment in a desire to clear the room and keep the public safe.

Q. And you said that there was a bunch of people in there.

They were also giving their own form of public comment, right?

A. Some of them were, yes.

Q. With a voice amplification device, correct?

A. Correct.

Q. And the reason they were using their own voice amplification device -- we'll call it a microphone -- is that y'all had shut off the microphones at the podiums.

A. We did.

Q. And you at that time didn't want to hear any more public comment.

70

A. I'm not in charge of public comment, sir.

Q. But you're in charge of apparently the board meeting, right, whether it continues or whether it's open to the public?

A. I'm in charge with the operations of the school building administration and with the school administration building, yes.

Q. That's a school boardroom.

A. Yes, it is.

Q. You don't have authority to clear out the school board, do you?

A. I believe I do, yes.

Q. So you --

A. Oh, I'm sorry, the school board or the school boardroom? No, I don't have the authority to direct the school board.

Q. Because in a school board meeting, they're in charge, aren't they?

A. That's correct.

Q. I'm going -- and finally, let's just talk about -- you said a majority of the crowd

71

left when you gave the announcement.

A. I don't believe I said a majority. I believe I said some members of the crowd left.

Q. Well, out of 669 people that tabbed into that room, that was -- I think that was your number that you gave.

A. Yes.

Q. Tell me, about how many of the people remained?

A. After the order was given, I would say above 300 initially.

Q. So a significant portion left the room initially.

A. Yes.

Q. And then after that initial portion, how many more people left the room?

A. They trickled out gradually as the sheriff's department made rounds around the room and asked people to leave.

Q. And so people were compliant.

A. Some were compliant and some were argumentative.

72

Q. You said you have 30 years in education. What is your 30 years in education, doing what?

A. I spent 17 years as a classroom teacher, several years as a school-based administrator, several years as an investigator for the department of human resources, and then a chief human resources officer in two divisions, and now I'm superintendent.

Q. Does the school board have an entire complete copy of the video unredacted?

A. They have an entire and complete copy of the video while the session was in session. There was no recording during the recess.

Q. And why would -- why did not -- they did not record -- why didn't they record during the recess?

A. It's normal process to go to a blank screen when the board is in recess. That happens at every meeting.

Q. So the recorder doesn't continue?

A. No.

Q. Somebody has to physically flip the

AMERICAN OVERSIGHT

73

switch to stop it from recording.
A. Yes. When the board goes into recess, the board clerk hits a button that stops the recording and puts up a screensaver type thing that says -- I mean, it's a preprinted message. It says the board is in recess and the meeting will resume shortly.
Q. If Mr. Tigges had a right to be there and to speak, you understand why he was agitated, correct?
MS. BIBERAJ: Objection, Your Honor. Calls for speculation as to why he was agitated.
MR. KACHOUROFF: He's the one who raised that. I mean, she opened the door when she asked the question. He mentioned he was agitated.
MS. BIBERAJ: No, he was asking whether or not he knows why Mr. Tigges was agitated. That calls for speculation.
MR. KACHOUROFF: I didn't ask him why. I said -- I gave him a reason why. If Mr. Tigges had a First Amendment right to speak -- you don't need to be looking at her. Look at me. If he had

74

a right to speak --
THE COURT: He can look at her if he wants to. The instructions don't come from you.
MR. KACHOUROFF: Your Honor, I don't have a problem with what you're saying. I just don't want him getting cues from the attorney about how to answer a question. That's why I said that.
MS. BIBERAJ: If that allegation, Judge, is going to be made, I think counsel should have facts as to what cues I am giving. My objection will go back to the what the issue is before Your Honor.
The objection is that he asked the witness, Dr. Ziegler as to whether or not Mr. Tigges had a right to be agitated. That calls for speculation. He can't speak to the mind or mindset of Mr. Tigges. That's my objection.
THE COURT: I think the question is argumentative, and I'm going to sustain the objection.
MR. KACHOUROFF: As to argumentative.

75

THE COURT: Yeah. You asked him about the -- being agitated and essentially asked him why he was agitated.
Q. A person who has a right to speak would be agitated if they were told to leave. Fair enough?
MS. BIBERAJ: Objection. Yet, again, Judge, it asks for speculation. Somebody may have the right to speak and say, okay, fine, not -- today is not the time and then respectfully walk out. He can't speak to what anybody's perception or their response --
THE COURT: (Inaudible) she's right about that. You can argue --
MR. KACHOUROFF: Yeah. And, Judge, it's --
THE COURT: -- someone who's -- thinks they have a right to be there may be agitated they're asked to leave, but I don't know that he can answer for everybody who was there, whether they were agitated or not, including Mr. Tigges.
MR. KACHOUROFF: And I apologize for

76

this, Judge, but, again, I didn't open this door. This was -- all of her questioning was about agitation. He mentioned it numerous times, so I think it's fair game on cross. If he -- the Court doesn't, I respect that.
THE COURT: Okay. Well, you've got my ruling. My ruling is --
MR. KACHOUROFF: Thank you, Your Honor.
THE COURT: -- that it's sustained. The objection is sustained.
MR. KACHOUROFF: I have nothing further.
THE COURT: Thank you. Redirect?
MS. BIBERAJ: I have no redirect of this witness. Thank you, Doctor.
THE COURT: All right. You may step down. Is this witness being deferred or do you want the witness to wait out in the hall?
MS. BIBERAJ: Judge, I believe there is rule on witnesses, so, yes, please.
THE COURT: All right. You need to go outside. Do not discuss this case outside of the courtroom. Do not discuss this case while you're

AMERICAN OVERSIGHT
VA-22-0316-A-000327

77

waiting. You may be recalled as a witness.
THE WITNESS: Yes, sir.
THE COURT: Thank you. Next witness for the Commonwealth?
MS. BIBERAJ: We would ask for Major McDonald.
THE COURT: Major McDonald?
THE COURT OFFICER: Yes, sir.
MS. BIBERAJ: Thank you.
THE COURT: Major McDonald, come forward to the witness stand. You were sworn earlier with the other witnesses. You've been called as a witness for the Commonwealth who will question you first, and then the attorney for the Defendant may also question you. Thank you.
THE WITNESS: Thank you, Your Honor.
Whereupon,
EASTON L. MCDONALD,
being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:
EXAMINATION BY COUNSEL FOR THE PLAINTIFF

78

BY MS. BIBERAJ:
Q. Good morning.
A. Good morning.
Q. Major McDonald, can you please introduce yourself to His Honor?
A. I am Major McDonald, Easton McDonald, with the sheriff's office for 20 years.
Q. I'm going to ask you some questions relative to the June 22, 2021, incident at Loudoun County Public Schools. Before I get there, I just want to ask you some background questions, please.
A. Sure.
Q. Can you let the Judge know how long have you been in law enforcement?
A. I've been in law enforcement 24 years, the last 20 with Loudoun County. I oversee the school resource officers and the traffic section. I've trained at the academy, community policing. I have worked patrol, midnights, just about every section in the agency. And before that, I worked corrections.
Q. Okay. Within each of those

79

responsibilities and I'm going to name three specifically, corrections --
A. Yeah.
Q. -- and that's over at the jail, right?
A. That is correct. I didn't work for Loudoun. I worked for Arlington County Sheriff's office.
Q. Okay. And then as far as when you were talking about, like, street patrol, and then with the school resource officers. Do each of those have additional training regarding crowd control and assessment for safety in the community?
A. Yes.
Q. Okay. Can you tell the Court, please, and if you want to specify in each of those responsibilities where you may have learned this, you're welcome to, otherwise, I'm asking a global question. In assessing crowd control or safety within the community, what are some of the things that you look for?
A. So if you're looking as far as crowd control is concerned, you want to be able to

80

communicate with the individuals that are there, why a person is there, access to doors, emergency access, medical emergencies, if I need to clear a room quickly, which is there enough exits for them to get in and out, things of that nature, how many children are in the room, different things like that. If it's in regards to the community, it can deal with all kinds of things from assessments of security to homes, shrubs, bushes, lighting, etcetera.
Q. Okay. And that's on a physical assessment, right?
A. Yeah.
Q. When you add the human component, what do you then look for to see how that might change or impact your decision as to whether this is a safety concern?
A. Safety issues, body language. People with balled fists, not following rules, maybe if everyone is sitting down and someone is standing, maybe if someone is moving closer to a particular person, just the -- not willing to listen to you

AMERICAN OVERSIGHT

81

or not hearing a conversation, voice, tone, things of that nature.

Q. Okay. Now we're going to go to the June 22nd incident. You were -- were you there -- I'm sorry.

What time of day were you at -- over by the Loudoun County Public School building?

A. I probably got there as early as -- if it started before -- I want to say it might have start -- well, I don't remember the time exactly that the meeting started, but I was there probably about two hours before the meeting started.

Q. Okay. And when you were there before, did you come in through the general parking lot?

A. Through the which parking lot?

Q. General parking lot.

A. Oh, yeah, yeah.

Q. The public parking.

A. I parked in the rear of the building, came through the general parking lot, and then parked in the rear of the building.

Q. Okay. As you're walking into the

82

building, did you see any assembling of individuals out in the parking lot?

A. Yeah. There were people assembled outside.

Q. Can you tell the Court, please, at your initial observations about two hours before the meeting, about what the crowds looked like in number?

A. So out of all the school board meetings, generally, there isn't a crowd. There isn't anybody outside generally for school board meetings, but there had been crowds building over School Policy 8040 and there was a lot of talk about -- I think it was critical race theory protestors and they was also protesting Loudoun County Public Schools' removal of a teacher and some other stuff that were taking place outside. And then there were components pro and then there were components against on both sides. Some had tents. They had banners outside of that building on that particular day, so we had expected a large number.

83

Q. Okay. And with that expectation, was there any action taken on the part of the Loudoun County Sheriff's office to add any members of their law enforcement team to attend the meeting or to be on the premises?

A. Yeah. We made -- safety was the -- was a paramount issue, so we had individuals that would be in and around the crowd, and we had individuals that would be in the boardroom, but the school board has a meeting monthly and we always have deputies at the meetings. Up until that point, we had always had sworn deputies present in the room.

Q. Okay.

A. That was nothing new.

Q. Now, again, (indiscernible) as you were walking through the parking lot and you're coming in, do you see a number of people out gathered, what was the tenor of what you saw? Were you concerned at that point as to what the crowd engagement was?

A. I mean, we knew it was -- it was an

84

excited -- it was like going to a big game, right, a big rivalry or -- you know it's going to be a good game or you know the crowd's excited. It was that type. People were passionate about what they were there for, pro or against, whatever the issue was. And some of them were debating and making their chants or doing their things --

Q. Okay.

A. -- to make their point.

Q. You then enter into the building?

A. Yes.

Q. At some point, the school board meeting starts.

Okay. Can you -- and were you inside the board meeting?

A. Yes.

Q. Can you tell her -- His Honor, please, what your observations were?

A. It was -- so normally at a school board meeting, you may have seven, ten, fifteen people. The room was set up for 633, and you couldn't see the chairs or if there were people -- some people

AMERICAN OVERSIGHT
VA-22-0316-A-000329

85

were standing in there. That's how many people were in there.

The board meeting started. Very quickly, somebody made a comment. It was -- I don't remember the exact comment, but it was something like dripping Jesus-something comment was made by somebody. I can't remember the full statement and the crowd responded. All the people in there responded. The board -- there was a couple of outbreaks.

It was like an outbreak of the public, and then the board would have recess. Well, I don't remember exactly how many they had, but they were going to take a five-minute recess, at which point in time, they would leave the daises, go back inside, wait for everyone to settle down, and then come back out.

Q. So when they would take the recesses, did you hear them make any announcements as to why they were taking a recess?

A. Yeah. The chair would say the board would take -- be taking a recess. I don't think

86

she gave a time. I think she just said a recess, and then they would go back inside. They would go into -- off the daises into a room that was on the side, and then at their liberty, they would come back.

Q. Okay. While the chair and the board members were on the daises, at any point in time, did you hear the chair caution the crowd as to the amount of noise or interruptions that were being made?

A. Yeah, she gave numerous warnings.

Q. Okay. Did you see what behaviors preceded her giving those warnings that caused you to link the two?

A. So different people would make statements, whether it was -- because they were -- it was public comment for whatever you wanted to talk about, so some people -- whatever the comment is made, the support would be loud. It would be claps. And I'm not saying loud, but you're supposed to do this silent clapping is what they're supposed to do, but that wasn't the case

87

all the time. People would clap and, you know, and she would give a warning for those outbursts.

Q. Okay. And did she communicate that that was disruptive to the public comment or people being able to hear?

A. She made the statement as if the -- she made the statement about if it continued, that -- that if it continued, that she would end the meeting or the meeting would adjourn, and she like gave them a general warning.

Q. Okay. As time passed during this meeting, did you see any changes in the crowd as far as in the matters that would indicate to you that safety was becoming a concern?

A. Before the meeting was cancelled?

Q. Right. Before she ended public comment, like --

A. Oh.

Q. -- during the times that they were taking their recesses and things of that nature.

A. No, not at that time. It was just normal -- someone would speak. Someone would get

88

excited and clap, but nothing that I felt was like a safety issue at that point in time.

Q. Okay. Did there come a point in time where safety did become a concern?

A. Yes.

Q. When was that, please?

A. So at one point, I believe it was -- I'm not sure and I don't want to mess his title up, but I think it was Senator Black. He spoke and at the end of his speech, the -- the audience passionately -- it was a passionate speech. They stood up. They were clapping. They were supporting what he was saying, and it was probably the most applause for anybody that night.

And at that point in time, the -- while that applause was going on, the board asked -- I distinctly remember. I think it was Reeza was asked to make a motion to end the public comment. It was seconded. They asked for a discussion. There was no discussion, and then they took a nine-zero vote to end the public comment, at which point in time, they vacated the daises.

AMERICAN OVERSIGHT
VA-22-0316-A-000330

89

And I don't think the public really picked up what was going on until they kind of got up and walked away and left, at which point in time, people started yelling no, or screaming, and this, that, and the other, but we still -- that was when the alarm kind of went up that, like, the body and the language in this room has now changed. At that point, we didn't do anything.

Q. How did it start to change?

A. We allowed it to go on for about 20, 30 minutes. They were getting in groups like caucuses or different groups and different people were speaking and we just allowed that.

And then in the rear of the room, an assault on one of my officers took place, and at that point in time, that gentleman was taken into custody and removed from the room. That was the turning point where we had to reassess what was going on and the safety of all the people in that room.

MR. KACHOUROFF: Pardon me. Pardon me. Judge, I would object. We agreed at the very

90

beginning that this arrest was irrelevant to the testimony, so if they're relying upon it now, I'm just -- I just want to know they've changed their position.

MS. BIBERAJ: Judge, the objection during opening was as to what the person, Mr. Smith -- what he was objecting to and what he was arguing about, not that the arrest took place. It was what his commentary was, that was the objection that Counsel was asking me to concede. That was not the -- the arrest was not the issue.

MR. KACHOUROFF: That was not my recollection, but if she's opening the door, I'm fine with it.

THE COURT: All right.

MS. BIBERAJ: We'll move on.

THE COURT: I'll allow the question. The objection's overruled.

BY MS. BIBERAJ:

Q. Major McDonald, you indicated that there was an incident where there was an arrest that took place. Between the 20 minutes that you

91

allowed people to make comments and to talk and do that, you said they were collecting in different subgroups.

A. Yeah.

Q. Okay. What about the logistics of the room, the way that the chairs were, or how they had been previously set up, had any of that changed when -- once the school board members left the dais?

A. So whatever your view was, there was nothing barricading you or stopping you from bringing extra but it was chairs set up in an auditorium-style setting and once it ended, a lot of people stood up. Some people who shared the same point went to each other. Others were disputing with each other. It was just a -- like a -- free conversations that were going on in the room until the arrest was made.

At that point in time, that gentleman was placed under arrest, and then I would say approximately within two to three minutes of that, the superintendent of schools made an announcement

92

to the public over the microphone that was on the daises.

Q. And what did he announce?

A. I don't remember verbatim, but he basically said that this is -- something in the nature of an unlawful assembly and that if you don't leave here, you will be arrested by the sheriff's office, something in the nature of leave or you will be arrested. He made that announcement a total of four times. On the fourth one, I signaled him to give that one again.

Q. Okay. So let's walk through each of those statements that he makes. When he's first announcing that this is an unlawful assembly, something to that effect, and I'll accept what you're doing and I'll repeat similarly that these may not be his exact words --

A. Right.

Q. -- but to the point he was making, this is an unlawful assembly and you need to leave. If you do not leave, you will be arrested. Okay.

When that first announcement was made, what

AMERICAN OVERSIGHT

93

impact, if any, did it have to the attendees within the boardroom?

A. It started to thin out. There were some people that immediately on the first -- you saw the room thin out.

Q. All right. And then for those individuals who did -- who chose not to leave, what did you observe about their behaviors?

A. So, again, with crowd management, if everybody in this room tries to go through those two doors, and then they have to go out another two doors, they have to make a right and there's a bathroom to the left. So you have to take into effect that this room can't just flow easy. You've got to make sure that the hallways outside -- the people are moving and not milling around. So what we did was we made sure that there were officers outside in the hallway, and as people exited, they were telling them, this is the exit. Please keep moving. This is the exit. And if someone wanted to use the bathroom, they weren't prevented from using the bathroom.

94

So that's what initially happened on the first warning. You had people who self-volunteered to leave. They were just going to walk out.

Q. Okay. After the first announcement was made, did you make a determination or did you observe the fact that not everyone was leaving?

A. Yes, that is correct.

Q. What did you observe about their behaviors, if any, while they were inside the room?

A. Displeasure with the announcement. They didn't want to leave and so --

Q. How did you make that determination?

A. Because --

Q. Like what about your observations did you make that --

A. That people were yelling. There was all kinds of chants. There were all kinds of things being said. This is our house. We paid for this. They can't do this. They actually brought in a -- somebody brought in a PA system with a speaker and they were actually taking turns. And this is where the -- I'm going to go back. This is before the announcement. They were actually taking turns talking on the speaker to the crowd and we observed that and that wasn't a problem with us. Like I said, that was within the first 30 minutes of what was going on.

Once the decision was made and the announcement was made by the superintendent -- I think he was the superintendent. I don't think he was acting at that point. I can't remember -- but to clear the room, we continued again with a second announcement and more people began to clear out.

95

Q. All right. And then for those who remained, did you see any changes in their behaviors?

A. So about the -- around the second or third announcement, we started moving into the group that was still left, telling people, please go outside. Just please go outside. You can assemble outside. You're free to assemble outside.

And then we'd get some questions, like, you know, they can't do this and, you know, but you're not there to really like answer questions, just to let people know that you can assemble outside, so we kept on doing that.

96

Q. Okay. At some point, did your attention get drawn to Mr. Tigges?

A. Yes.

Q. All right. Can you tell the Court, please, for starters, do you see Mr. Tigges in the courtroom here today?

A. I do. It's the gentleman in the sling with the jacket on.

THE COURT: Okay. That's noted by stipulation and he's also pointing to him.

MS. BIBERAJ: Yeah.

Q. And on that particular day, we agree that he is dressed differently than he's dressed here today?

A. Yes, differently.

Q. Okay. On that day, did you have

AMERICAN OVERSIGHT
VA-22-0316-A-000332

97

personal contact with Mr. Tigges?
A. I did.
Q. What was that, please?
A. Prior to -- while cleaning the room -- while clearing the room out and moving people, you go where the flow of the people are moving. So as the people are moving, you're just explaining to them, yes, you can go outside and as they -- they were talking and saying things back, and -- but they were moving and they would leave the room. Mr. Tigges, if I'm saying that right, was --
THE COURT: Tigges.
A. Tigges. Mr. Tigges was towards the front, kind of center, and he was saying that, no, like we're not leaving. Don't leave. He was just adamant about not leaving at that point in time, but what you do is -- he wasn't -- there were others in the room, so what you would do is those comply, you escort those and help them to leave, and then you will deal with those individuals that do not comply and are left eventually at the end.
Q. Okay. So now as you're coming into

98

contact with Mr. Tigges and you're hearing him say, no, we don't have to leave and you indicated he was also encouraging others, don't leave?
A. Yeah.
Q. How did those people respond? Did they comply with his demands or how did that work out?
A. At one point, there was a lady who was carrying a baby and she got on the microphone and she basically told the crowd, like, don't -- like, I think she was kind of basically saying, don't act up. That's what they want us to do -- or take this outside. So she gave the mike -- another guy came in, grabbed that microphone and that portable speaker. They left, and they were with that group where Mr. Tigges was.
Q. Mm-hmm.
A. They exited and he remained.
A. Okay. Then at some point, did he have -- did he make any statements to you directly in regards as to what the expectation is for him to leave?
A. So by the time when I encountered him, I

99

-- we'd cleared out the hallway. I was outside in the hallway. When I came back inside, he was now in handcuffs. So he was always in my periphery as what we would say is -- he was vocal about not leaving and I knew he was going to be there because he was very vocal about not leaving but we were -- I went out into the hallway and escorted those people. When I came back in, he was in handcuffs.
Q. Okay. So then let's go back to the time as you were leaving the boardroom and heading outside. You said he was vocal about not leaving.
A. Yeah.
Q. What was he specifically saying?
A. I can't give an exact word. He voiced numerous concerns, right, throughout the time. He was upset that he felt that he had the room to a certain time, that they didn't have the right to just like walk off, that these people have come to be heard. He was making statements of that nature, but, again, at lot of that was in my periphery and I could see that he was talking to

100

other officers and they were trying to de-escalate the situation. So I focused on those individuals. There were some onlookers that were kind of watching to see what was going on with him, and I understood that, but we told them that they had to -- you know, that they had to leave the building, which they -- the majority of them did.
Q. Okay. I'm going to go back a little bit during the time that -- after the board was off of the dais --
A. Mm-hmm.
Q. -- and there's a -- was there a conversation between you and Dr. Ziegler as to coming to a decision that the time may come that people needed to leave?
A. Yeah.
Q. Can you tell us, please, what was the content and context of that conversation?
A. So it happened kind of quick. I was in the backside. Immediately after the board left, they wanted to announce this is an unlawful entry and I told them no, that we're not going to do

AMERICAN OVERSIGHT
VA-22-0316-A-000333

101

that. Give them time. Let them voice their concerns, etcetera, and that's why there was a 30-minute window between the first time that myself and Dr. Ziegler had a conversation about clearing the room.

And they would have -- we would have continued that. It wasn't until the arrest, the violence. Once we saw that the safety of everybody else that was involved in that room, that is when Dr. Ziegler then gave the notice officially to tell everybody else to leave.

Q. Okay. And I apologize because I don't know if I misheard you or it was stated. You said that it was an unlawful entry.

A. I'm sorry. I apologize. I think the term he used was -- he gave his title and he said unlawful assembly.

Q. Okay. And I may have misheard you, so I apologize.

A. Yeah.

Q. I just didn't want to mess that up.

A. That is correct.

102

Q. When you came back into the room and saw Mr. Tigges in handcuffs, did he make any statements regarding whether or not he was willing to leave even at that time?

A. No. In fact, what made -- I would never have encountered him, but as they were escorting him to the rear of the building -- because the plan was if you -- if anyone was arrested or we had to remove them, we were going to go out of the back -- the rear door.

He made a body motion to drop and resist, like stretch his leg out and kind of like drop his body. People do that when -- make you carry their body weight, at which point in time, I stepped to him, and I said, kind of, listen, hold on. Calm down. And he said to me something like, I have a right to be here and I have a right to listen. And I said, you do. You do, or something like to that nature. You do. You have a right to be here. And he was saying something like, see, this guy, he gets it. He gets it. And then I said to him, but the meeting is over. The daises is

103

empty. There's no one here, at which point, he just started yelling, it's not over. It's not over.

And then I told him that, listen, you're -- if you look around the room, you'll see there's no one here now. It's over but I want you to talk to this guy in the green, at which point in time, that person in the green was Officer Haynes, who is one of our trained crisis intervention officers, so he's trained in de-escalation, and that's who I placed his attention to.

Q. Major McDonald, I don't have any other questions. Counsel may have some for you. Thank you very much for your time.

A. Okay.

THE COURT: Before you start your cross-examination, let me take up one matter.

(OFF THE RECORD)

(ON THE RECORD)

THE COURT: All right. Now you may proceed.

MR. KACHOUROFF: Thank you, Your Honor.

104

CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT

BY MR. KACHOUROFF:

Q. All right. It's Major McDonald?

A. Yes, sir.

Q. Make sure I get the rank right.

Just a quick follow up with some of the things that you talked about --

A. Mm-hmm.

Q. -- so I understand. Is it true that -- I mean, after the crowd was cleared out, you actually stayed for the remainder of the board meeting that was occurring?

A. That is correct.

Q. You wanted to hear an issue before the board?

A. That is correct.

Q. So moments ago, you talked about the board meeting being over. You meant the public comments time was over.

A. Yeah. I thought I did state that they took a nine-zero vote to end public comment.

Q. Okay. Got it. So but during -- there

AMERICAN OVERSIGHT

105

are plenty of school board meetings where people come up and just sit in the audience and watch, right?

A. In the past, yes. That is correct.

Q. So one thing you testified to, you had no problem -- they were taking turns on the speaker giving their own public comment. And you -- and I said -- or you said, rather, they were taking turns on a speaker -- their own speaker and you had no problem at all with that but at some point, you decided to clear the room. So I want to talk about that just briefly.

The Commonwealth's attorney for Loudon County has suggested that he wasn't dressed the same way then as he is now. Was there some inappropriate dress that he should have been wearing? Was he not dressed appropriately at the board meeting? Was he was wearing bad shirts or --

A. No, he didn't have on anything that was like derogatory. Like some people wear shirts that make statements. I don't remember him wearing anything like that. He was dressed –

106

Q. Nondescript.

A. Yeah, just regular dress.

Q. No offense to my client. And you heard the woman say on the speaker, don't act up. That's what they want you to do.

A. It was something of that nature, like she was telling them to kind of behave, and she gave the speaker and she complied. She had a child with her –

Q. Understood.

A. – and she – they left on their own. She didn't agree. Don't get me wrong. She did not agree with us – with leaving and she made that –

Q. Sure.

A. – (inaudible) clear to us but –

Q. Sure.

A. – she did comply.

Q. The other part of your testimony -- so you went back to the board and they wanted to declare an unlawful assembly and you told them no.

A. No, they wanted to – I'm not going to

107

say – what they wanted to declare. They wanted to tell everyone to leave, so that was what we had done with crowd control in light of the George Floyd incident. We have – people are allowed to protest, and we have allowed people to protest. That doesn't – as long as they are protesting peacefully, as long as everyone is safe and there's no destruction of property, we've allowed people to protest.

At that point when the board had left, that was a protest and we allowed them to protest. The moment the violence occurred, which was the assault in the rear of the room, and that – my officer, that officer, was assaulted by the individual who tackled the officer, at that point, the free speaking to each other concerned us. The number of people that were in that room, and if more of those took place, how that would be to break those up and the people – there were a lot of kids in there. Like I said, one lady was carrying a baby.

Q. Sure.

108

A. So at that point, I agreed with the superintendent. Now is the right time. You can go ahead. I'm fine with it. You can make your announcement, but we still are not going to physically push or encourage them to leave. Your announcement will make people leave and it did, and he made a total of four of them.

Q. Okay. So the incident with your officer where you say he got tackled, did you see it?

A. So I saw the corner – I was behind the media, so what I saw was the crowd. I didn't see the tackle. I saw commotion and I heard the noise, and I stood up but you still couldn't see, and I read the other officers from the other room as they move in, which is normal. You watch what the –

Q. Sure.

A. – backup officer is doing and –

Q. Sure. (Inaudible).

A. – I saw them go down and, in fact, we had standby officers, emergency officers that were standing by in case things went south. I held

AMERICAN OVERSIGHT
VA-22-0316-A-000335

109

them back and -- because he went down and then very quickly, they stood up and he was in custody, so we didn't need to -- we didn't want to over send officers to a situation. It was handled by two or three officers at the most.

Q. So it's possible that he wasn't tackled, but there was a scuffle.

A. No, I saw the tackle on the video. That's why --

Q. Oh, you've seen the video of the tackle.

A. I saw the video. It was on the news and everything else. I saw the tackle --

Q. Okay.

A. -- but at the time, I didn't know what was going on. I had to find out afterwards, why was he arrested? What was the situation as --

Q. Do you have the video here today?

A. No.

Q. Okay. Does it show somebody charging a deputy and tackling, like a linebacker?

A. It shows him -- yeah, like a linebacker.

Q. Okay. And so was the deputy behind him

110

or in front of him?

A. The deputy would have been in front of him.

Q. Okay. And did -- was there a deputy behind him?

A. There was a deputy that -- the secondary deputy -- so the interesting thing is, so the way it works is this. The noise is made. The action is made. Now the camera comes over to that area. So there's a commotion going on before the camera gets there. The officer wasn't nowhere near there. He was in another post, so once the noise and the commotion takes place, the officer comes over to take a look at what's going on. He has some words with the individual, like, hey, you need to come over here, talk to me. We'll try and de-escalate the situation.

Now the camera comes to the situation because the rest of the room is picking up on -- something's happening in the back, and that's how the incident went. When the officer went to pull the gentleman away from the scene, he turned, he

111

tackled the officer. That's what I saw on the video.

Q. And so you didn't run at the officer. In other words, the officer grabbed him.

A. The officer went to take control.

Q. Okay.

A. Yeah. Three times, we were trying to take control.

Q. Absolutely, yes. Understood.

A. And so he's trying to control him, like, you know, this is not going good. Come over here, talk to me, etcetera, and then the assault occurred.

Q. Other than than one person, were there any other incidents?

A. There were reports taken after the incident, yes. There was a lady that said that she was pushed by someone. That report was taken and an incident number was placed. We interviewed some people about it because she fell, adamant that she was pushed and we checked into it and apparently, it seemed to be that, once that

112

commotion had taken place, other people moved away and they bumped into this person, and so some people were pushed and made complaints about stuff like that.

Q. And she was on her way out when she got pushed.

A. I don't believe that she was on her way out at all.

Q. Okay.

A. I just -- I believe she reported that -- this is way before -- we hadn't told anybody to leave at that time.

MR. KACHOUROFF: Okay. Okay. Okay. I have nothing further, Your Honor.

THE COURT: Redirect?

MS. BIBERAJ: No, Judge. Thank you, sir.

THE WITNESS: Thank you.

MS. BIBERAJ: He just will be subject to recall.

THE COURT: All right. You'll -- you may step down. You need to go back out in the

AMERICAN OVERSIGHT
VA-22-0316-A-000336

113

hall. Do not discuss this case while you're waiting. You may be recalled as a witness.
THE WITNESS: Okay.
THE COURT: Thank you.
THE WITNESS: Thank you, Your Honor.
THE COURT: The Court --
MS. BIBERAJ: Next is Sergeant (inaudible) please.
THE COURT: -- will take a five-minute recess.
THE COURT OFFICER: All rise. The Court's in recess.
(OFF THE RECORD)
(ON THE RECORD)
(Call to the order of the Court.)
THE COURT: All right. Next witness for the Commonwealth.
MS. BIBERAJ: Sergeant Leydig, please. Judge, while he's coming to the stand, may I please hook up a video (inaudible) the Court?
THE COURT: Yes.
Sergeant, come forward to the witness

114

stand, which is up here to your right. You've been sworn earlier with the other officers, so you may take a seat at the witness stand. The Commonwealth will be questioning you first, and then attorney for the Defendant may also have questions. Yes?
MR. KACHOUROFF: Your Honor, my client's using the restroom, so he should be back shortly.
THE COURT: Well, okay. We can't start until he gets here. All right. Thank you for letting me know.
MR. KACHOUROFF: I almost forgot myself.
THE COURT: While we're on a break, let me address a couple of matters.
(OFF THE RECORD)
(ON THE RECORD)
THE COURT: All right. Is the Commonwealth ready with this witness?
MS. BIBERAJ: We'll be ready to start (inaudible), Judge.
MR. KACHOUROFF: Can I just check the -- may I approach that video just to check the

115

exhibit --
THE COURT: Sure.
MR. KACHOUROFF: -- just to make sure it's the same one we're looking at?
THE COURT: Yeah.
MR. KACHOUROFF: I apologize, Judge. (Inaudible). Okay. Can we do large screen and also put the sound on? I want the Judge to hear the tone and tenor of the room.
Your Honor, I don't know if the video transfer to your screen at all, but we can actually -- do you mind if I (inaudible) to get the full screen?
MS. BIBERAJ: I'm going to do that.
MR. KACHOUROFF: Okay. Sorry.
MS. BIBERAJ: No, no. That's okay.
MR. KACHOUROFF: I'm trying to be helpful.
MS. BIBERAJ: I appreciate you. I just want to ask him some questions first.
THE COURT: All right. You may proceed. Thank you.

116

(Exhibit 1 was marked for identification and was retained by the Court.)
MS. BIBERAJ: Thank you.
Whereupon,
JASON A. LEYDIG,
being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:
DIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. Good morning, Sergeant Leydig.
A. Good morning, ma'am.
Q. Can you please introduce yourself to His Honor?
A. Your Honor, I'm Jason A. Leydig, Deputy Sheriff, Loudoun County Sheriff's office, rank, sergeant.
Q. Okay. I'm going to ask -- most of the questions I've got today are going to be related to June 22, 2021, incident.
Prior to doing that, can you tell the Court, please, how long have you been in law enforcement?

AMERICAN OVERSIGHT
VA-22-0316-A-000337

117

A. I started my law enforcement career in 2001 in August in Grand Rapids, Michigan, at the Kent County Sheriff's Department. I started with the Loudoun County Sheriff's office December of 2004.

Q. Okay. And what responsibilities as far as in titles or assignments have you had since being a law enforcement officer for the sheriff's office?

A. I started in the Loudoun County jail in 2004, worked there for 14 months. Then I went to public relations as a DARE officer, crime prevention officer, went to patrol, then did the school resource, was promoted to the motorcycle sergeant, to traffic sergeant, and then recently was transferred to patrol in the western end of the county.

Q. Okay. Relative to the training that you've had specifically while working at the jail and the patrol, as well as school resource officers, is there additional training that you were provided or more specific training that you

118

were provided regarding crowd control and assessment of safety?

A. To answer this question very specifically, I've had ancillary duties such as civil disturbance. With the civil disturbance training coupled with school resource, I would say that there are probably around a hundred hours of additional mandatory in-service recertification trainings that I've received through civil disturbance, crime prevention, and school resource officer.

Q. Okay. And as part of that training, are you taught how to assess certain behaviors within a crowd to make a determination as to whether or not safety becomes a risk?

A. Yes, ma'am.

Q. Okay. What types of things are you taught to look for?

A. I've been taught to look for individuals in a group that are organizers, individuals that are acting outside of a group, and then groups acting in concert with one another.

119

Q. Okay. And as far as specific behaviors, what are you looking for?

A. Looking for individuals yelling, screaming, inciting others to yell and scream and carry on a coordinated effort to break the peace.

Q. Okay. Are you also taught in the civil disobedience training as to how to de-escalate matters?

A. Yes, ma'am.

Q. What tools have they taught you to add to your skillset?

A. Chief amongst them, the Loudoun County Sheriff's office implements a crisis intervention training, in which nearly a hundred percent of its deputy sheriffs are trained with crisis intervention.

Q. And what exactly does crisis intervention training mean?

A. Crisis intervention training means that a deputy is taught over the course of 20 to 40 hours on how to talk to an individual that is exhibiting crisis-like behaviors, meaning that, if

120

they are in a crisis, instead of dealing with it in a black and white legal aspect, we can deploy officers that are specially trained to speak with them and de-escalate the situation, hear them out, and to understand what they're going through.

Q. Okay. Excellent. Now I want to ask you specific to June 22nd, if I may, please.

Were you assigned to the school board meeting?

A. I was assigned to the school board meeting by voluntary overtime. So I was there because I signed up for overtime for that position as an LCPS contractee.

Q. What was your initial direction as far as why you were to be there?

A. It was to keep the peace.

Q. Okay. At any point in time, were you told that your position or your purpose was to stop people from speaking?

A. Absolutely not.

Q. Okay. What time did you show up to the Loudoun County school board building?

AMERICAN OVERSIGHT
VA-22-0316-A-000338

121

A. If I could refer to my notes.
Q. Okay. So if you could do this, I could share with counsel because I know you gave him the notes -- what notes are you looking at that we also can review?
A. This is an actual self-note of the incident-based report that I submitted to the Loudon County Sheriff's office that I placed upon my cell phone, just so that I could read off of it.
Q. Was it then transferred into a narrative?
A. Yes, ma'am. The same narrative that everybody has access to (inaudible).
Q. Okay. All right. We're good.
A. Yes, ma'am. To answer your question, 1500 hours, 3 p.m. is when I arrived to the area, in order to get a briefing.
Q. All right. How were you dressed that day?
A. I was dressed the exact way that you see me today.

122

Q. And for the record, can you describe what that means? Are you in full uniform?
A. I am in full duty uniform, Class B, displaying my badge of authority with a nametag and all the other regalia.
Q. And as far as your insignia and stuff like that, it says sheriff on the front?
A. Yes, ma'am.
Q. What does it say on the back?
A. It says sheriff on the back as well.
Q. All right. And as you indicated, the same uniform you have here on today in court is the same one or similar -- maybe not the same exact shirt, but similar to the one that you wore on June 22nd?
A. Yes, ma'am.
Q. All right.
MR. KACHOUROFF: Just briefly, Judge, we don't have to go through this every time. I'll stipulate that they're all on duty wearing -- displaying their badge of authority because it'll speed things up.

123

MS. BIBERAJ: Thank you (inaudible).
Q. When you arrived to the Loudoun County school board building around 3 o'clock, did you come in through the parking lot area?
A. Yes, ma'am.
Q. Had you -- did you observe any individuals already gathering by that time?
A. Yes, ma'am.
Q. Can you describe for the Court what you observed?
A. I observed, by and large, the group was coordinated. They were calm. They were very appreciative of law enforcement being there, and I saw many people that I'd seen there before, having worked many overtime assignments there before.
Q. Okay. Based on the size of the crowd, was this any different than the other times that you had worked one of those school board meetings?
A. There were a couple more tents. There were speaker with microphones that were set up that I haven't seen before.
Q. Okay. And when you made this

124

observation, were you -- did you make it as you were going into the building or were you stationed outside the building?
A. Both. I made it as I entered into the building and as I was inside the building, looking out through the windows.
Q. All right. So now let's change the focus of the conversation to when you were inside the building. When you were inside the building, do you see the crowd start to increase in size?
A. I did not notice the increase due to the fact that my assignment was specifically to keep the peace inside the boardroom.
Q. Okay. All right. So now we're going to start talking about the boardroom in and of itself.
What time did the meeting start that evening?
A. I would have look at my notes.
Q. That's okay.
A. I don't have an exact time. I would say that it probably started around 4 p.m. --
Q. Okay.

AMERICAN OVERSIGHT
VA-22-0316-A-000339

125

A. -- to the best of my knowledge.
Q. So you said you've attended prior board meetings. Relative to attendees and the number of individuals who attended, was this evening on June 22nd any different in the number of attendants versus prior hearings?
A. There were open seats at every meeting that I had been at prior. This was the first meeting that I saw that there were absolutely no open seats.
Q. Okay. And what was, like, the emotional energy that evening?
A. The emotional energy was by and large calm at first.
Q. okay. Did things then start to change?
A. As the meeting continued to go through its normal decorum, there was at one point booing and jeering from whatever side was booing and jeering towards the other side. At that point, the decorum had been lost and I noticed that the chair had called a brief recess.
Q. Okay. And at the time that she called

126

the brief recess, was there any comments made towards the crowd as to why that recess was taking place?
A. I don't remember to the best of my recollection.
Q. Okay. Did the meeting then reconvene?
A. The meeting then reconvened five to ten minutes later.
Q. All right. Did you observe anything about the crowd or the attendees that then caused you to be concerned as to the tenor or the impact to safety that this may have?
A. I noticed that, at that time, the crowd became very, very calm and very quiet, and on both sides, were running through their respective speakers.
Q. Okay. Did there come another point in time when the chair took a recess?
A. When Senator Dick Black took the podium, that is when he gave an impassioned speech, and it was at the time that his microphone was cut off that the room then changed its tenor to become

127

upset, loud, and --
Q. Okay. When you say the mike cut off, are there time limits on speakers?
A. Yes, ma'am.
Q. Had he -- to the best of your information and knowledge, had he met that time and exceeded it?
A. Yes, ma'am. The 60 seconds had elapsed.
Q. Okay. I know you said that you saw that the crowd became upset and loud. What, if anything, did you observe about their physical demeanor that caused -- or impacted your sense of safety for the attendees?
A. The crowd by and large had stood up, started to yell, and this is after Senator Black had completed his speech and everybody had given him a round of applause and it was hard to hear, but the -- at that point, the chair had voted for a nine-zero end to public comment, so as they voted for the end to public comment at nine to zero overwhelming, they then recessed to the ante room.

128

Q. Okay. Then what, if anything, occurred relative to the crowd?
A. For the next 30 to 40 minutes, the crowd started off by singing the National Anthem. I was asked to give a brief to my command staff to which I said over the radio -- if I may read from my notes specifically.
MR. KACHOUROFF: No objection.
A. Using my duty-issued radio, I told command that we are going to let these folks exercise their First Amendment rights.
Q. Okay.
A. And that is on recording.
Q. And that's fine. Right?
A. Mm-hmm.
Q. And did you also ask them at that point that you wanted additional deputies to be there because some deputies had been taken out of rotation?
A. There were -- there was one specific incident to where a gentleman was yelling at a female. Two deputies intervened. As those

AMERICAN OVERSIGHT
VA-22-0316-A-000340

129

deputies intervened, they had to go hands-on, which basically means they had to physically take that individual into custody. That liquidated a majority of my deputies, which meant that it was just me and another deputy. I called for backup. Eventually, several more deputies came.

During that time, some for people left. Some people stayed. We went from probably 300 plus individuals in the room to at that point maybe a hundred.

Q. Okay. And how many deputies did you have in the room at that point when it was reduced to about a hundred?

A. I don't have it written down. To the best of my recollection, no more than five.

Q. Okay. And at this point, you've had maybe about 30 minutes pass as far as when the announcement was made that they needed to leave, and --

A. Yes. And I heard at least three to four – I have written down in my notes, four announcements from Dr. Ziegler of such to cease

130

and desist, and we – I do have an actual quote, if I may read that.

Q. You're welcome to.

A. Superintendent, Dr. Scott Ziegler, says, as an administrator of Loudoun County Public Schools, I am notifying you that this is an illegal assembly and you are ordered to leave the building. Those that remain will be subject to arrest for trespassing.

Q. Okay. After the first time you heard that, what, if anything, did you -- and you -- and if I may ask this so I don't make this assumption, you were the highest-ranking officer within the boardroom at that point in time when he made the first announcement other than Major McDonald, correct?

A. Correct.

Q. Okay. So after that first announcement that you need to leave, it's an illegal or unlawful assembly or you will be subject to arrest, what do you direct your staff -- law enforcement officers to do?

131

A. From the very beginning, I said, we are going to ask them to leave.

Q. Okay.

A. Just be nice. Ask them to leave. Apologize profusely. Don't get into a conversation with them. Please, please leave. I'm so sorry. Please leave. If you're ever asked a question, I'm sorry. Just please leave.

Q. And that's part of the de-escalation, correct?

A. That is part of the de-escalation, open hands, just very gently trying to corral people out of the back of the room.

Q. All right. And that starts with the first announcement when there's approximately 6- to 700 people in the room.

A. Yes, ma'am.

Q. Some people have complied?

A. Some people have complied.

Q. All right. When it gets to the second announcement, does your instructions or your actions change as to encouraging those remaining

132

to leave?

A. It is just a repeat of the exact same orders.

Q. All right. Third time, does it change?

A. A repeat of the exact same orders.

Q. All right. Now by the fourth time, you've now had an incident related to one of your law enforcement officers coming hands-on with another attendee, correct?

A. Yes, ma'am.

Q. At this point in time, what then changes as far as how the actions will be for the law enforcement to take?

A. We only have a handful of folks left, and my major has said I need one more announcement. Get these people out of here.

Q. Okay.

A. He said something to that effect.

Q. And that was after the physical altercation with the one gentleman who was arrested.

A. Yes, ma'am.

AMERICAN OVERSIGHT
VA-22-0316-A-000341

133

Q. So let's talk a little bit about the tenor of the room when that was going on. Did it decrease the anxiety in the room or did it increase? What impact, if any, did it have?
A. I will say that, since there was absolutely nobody other than the five to ten citizens that were left, the mood of the room was calm due to the fact that there were more law enforcement there than there were civilians.
Q. At the time that he was arrested, there was only five or ten?
A. Mr. Tigges?
Q. I'm sorry.
A. At the time that the --
Q. Mr. Smith.
A. -- of the initial arrest, there was several hundred people.
Q. Right. Okay.
A. But by the end, when Mr. Tigges was arrested, there was only five to ten.
Q. All right. So I apologize. So I should have been very specific (indiscernible) so excuse

134

me for not having done that. Let's go back to the individual who was arrested that was not Mr. Tigges.
At that point in time, there's a couple hundred individuals in the room. While that was going on, what was the tenor --
THE COURT: Wait a minute. The answer to that was yes.
A. The tenor --
THE COURT: The court reporter can't --
MS. BIBERAJ: Yeah, because there's a court reporter.
THE WITNESS: That's okay.
THE COURT: -- (inaudible). All right.
MS. BIBERAJ: Yeah. Thank you, Judge. Let me go back and walk through that, so that you actually have an audible response.
Q. At the time that the other person who was not Mr. Tigges was arrested, there was approximately a couple hundred people in the room still?
A. Yes, ma'am.

135

Q. And there was about five law enforcement officers?
A. Yes, ma'am.
Q. Okay. What was the tenor of the room as far as the attendees when that other person was being arrested?
A. It was loud. It was angry, and it was not safe in my opinion.
Q. Okay. What concerns did you have and for whom relative to other attendees, law enforcement, or anything else in that nature?
A. My main goal and I tell my deputies that my main goal was to keep the peace, to keep the civilians safe, to keep the board safe. We're not there just for the board. We're there to make sure that everybody has a safe First Amendment environment in which they can exercise that right.
Q. Okay. At this point, you indicated that safety became an issue.
A. Yes, ma'am.
Q. All right. What, if anything, did you then direct your fellow officers to do?

136

A. Again, open hands, communicating in a positive manner with the civilians that were left, the citizens, in order to leave the boardroom.
Q. Okay. At that point, are they getting actually closer to the crowd themselves to be able to -- I don't want to use the word corral. That's a little offensive -- to encourage them to leave?
A. Yes, ma'am. We are advancing on them by taking shuffle steps.
Q. All right. And are most people then complying with it?
A. Yes, ma'am.
Q. All right. At -- sorry. At some point, do you then actually come into direct contact with Mr. Tigges?
A. Yes, ma'am.
Q. All right. What would -- what is the interaction between you and he?
A. There was one interaction before the video that was captured in which I asked Mr. Tigges to -- is that the proper pronunciation, Tigges?

AMERICAN OVERSIGHT
VA-22-0316-A-000342

137

MR. KACHOUROFF: It is. Yes. Thank you.

A. To come aside and to which -- not to say hearsay. I just asked him what -- I said, what is your end goal here today?

Q. And what'd he say?

A. Mr. Tigges then said -- he goes, there's no way that I'm going to leave this building without being arrested.

Q. Okay. At that point, then there is an interaction that is recorded between you and he.

A. Yes, ma'am.

Q. Can you describe for the Court, please, what is your then next interaction with him?

A. I saw Deputy Haynes, who will be in the video with a green shirt, interacting with Mr. Tigges in a CIT manner, engaging Mr. Tigges to understand what his crisis is to be able to de-escalate that. As he is engaging Mr. Tigges, I'm advancing and pushing people without pushing them.

Q. Without touching.

A. Right. Pushing them out of the back of

138

the room, and with great success. And then as I come back, there was one more audible notification from Dr. Ziegler and the order by Major McDonald to make sure that all these people (inaudible) and that is when I had my last -- my interaction with him. That was on video.

Q. And what was the interaction between you and Mr. Tigges at that point in time?

A. At that point, I very succinctly went up to Mr. Tigges and said -- if I may look at my notes just so that I'm not --

Q. Sure.

MS. BIBERAJ: For Counsel's reference, it's Page 5 of 6, Paragraph 2.

A. Yes, ma'am. I returned at around 5:55 hours to find Mr. Tigges was still engaging with Deputy Haynes. Deputy Haynes and Mr. Tigges were speaking. Mr. Tigges was speaking about the suppression of people's rights. I asked Mr. Tigges, Jon, are you refusing to leave at this time? Mr. Tigges replied, yes, I am refusing to leave. I then gave the order, deputies, please

139

arrest this individual for trespassing.

Q. Okay. And did that, in fact, take place?

A. That took place. He was arrested without incident.

Q. All right. I'm going to go and just identify some video. The videos that you will be asked to look at, you've had an opportunity to review them earlier, have you not?

A. Yes, ma'am.

Q. Are those videos that you actually provided to me, those being videos that are on YouTube, a public channel?

A. They are on a public channel. Yes, ma'am, to which they have been recorded and placed into our evidence system.

Q. Thank you, sir.

MS. BIBERAJ: Judge, based on Counsel's request and my consent, what we're actually going to do is actually allow the audio on this. I don't think there's any objection to that.

Counselor, can you see that?

140

MR. KACHOUROFF: Yes, ma'am.

MS. BIBERAJ: All right. Thank you, sir. At any point in time that you need (inaudible).

Q. I don't know if it's too soon to tell but are you able to identify who the sheriff is in this --

A. That very well might be my back.

Q. Okay. If at some point, it isn't, then let me know. I believe it is you too but we'll see that.

A. That is me.

(Video started.)

(Video stopped.)

Q. I just want to ask you a couple of questions. You see that there's numerous deputies within the throng of the crowd, and that's what you were saying, that they were encouraging them to leave?

A. Yes, ma'am.

Q. All right. Are those the exit doors on the top, right-hand side?

AMERICAN OVERSIGHT
VA-22-0316-A-000343

141

A. Yes, ma'am.
Q. All right. There's someone speaking in the background. And is that the amplification system that somebody's speaking on?
A. There is one really loud woman that did not have any amplification whatsoever and that's generally who we're hearing through most of this.
Q. Okay. All right. If you listen to it, there's a -- it sounds like a male voice and it sounds like an amplification. I just want to ask you a question, if you'll listen to that and then I'll -- let me know when you hear it.
(Video started.)
(Video stopped.)
Q. So with what we are hearing, is that similar to what you were experiencing in real time?
A. Yes, ma'am.
Q. All right. Now I'm just going to let it play.
(Video started.)
(Video stopped.)

142

Q. Is that Mr. Tigges?
A. Yes, ma'am.
Q. All right.
(Video started.)
(Video stopped.)
Q. On the (inaudible) because, at some point, you'll see Sergeant McDonald in the photo and he makes a signal. Is that you were referencing earlier to make another announcement for people to leave?
A. It very well might be that I'm -- correction to Major McDonald.
Q. I'm sorry.
A. No, it's okay. Mm-hmm.
(Video started.)
(Video stopped.)
Q. And as far as the individual that's talking to Mr. Tigges, who is that, from the sheriff's office?
A. The green-shirted deputy was Deputy Haynes.
Q. And that's with the specialized CIT

143

training?
A. Yes, ma'am.
Q. All right.
(Video started.)
(Video stopped.)
Q. Sergeant Leydig, was that a true and accurate video of the events as they transpired that evening on June 22nd?
A. Yes, ma'am.
Q. All right. I have no further questions at this time. Thank you, sir.
THE COURT: Cross-examination?
MR. KACHOUROFF: Very, very briefly, Judge.
CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Sergeant, you said, no way I leave without being arrested was one of the comments that he said to you.
A. Yes, ma'am. Yes, sir.
Q. It's okay. Fair to say that he may have -- because I didn't see that contained in your

144

statement -- in your written statement.
A. Yes, sir.
Q. Is it contained in there?
A. It is not contained in my narrative. No, sir.
Q. Is it just as possible he says no way I'll leave until everyone's had a chance to speak?
A. That is absolutely not what I heard.
Q. Okay. So if it was on video that that's what is said, you would go with what the video said rather than your own recollection.
A. If there was a video that contradicts what I said, then my recollection obviously is in flaw.
Q. And you talked about the 30 minutes after the board left. What happened during the 30 minutes? Were they talking? Were they on that -- doing their speeches on the --
A. Yes, sir. They were taking turns, standing on chairs, on a speaker system that they brought in.
Q. So the board didn't come back to resume

AMERICAN OVERSIGHT
VA-22-0316-A-000344

145

the meeting for 30 minutes or more?
A. That is true.
Q. Did they tell you that they weren't coming back? Did they tell you they were coming back? What was the board's intent at that point?
A. I don't know.
Q. Did the board ever tell you before they recessed that they wanted everybody cleared? Before you made the announcement, did the board ever say they wanted everybody gone?
A. No, sir.
Q. Were you in the back room with the board at any point in time?
A. No, sir.
Q. So you would have no way of knowing what they said.
A. No, sir.
Q. Okay. Mr. Tigges never once called you a pig.
A. No, sir.
Q. Was he respectful? Would you say that was respectful, what you saw?

146

A. In the back parking lot, he was very, very, very respectful.
Q. Okay. And he was also -- while he was adamant about his constitutional rights, he wasn't belligerent with you.
A. I would say that what you saw in the video was his impassioned plea to be heard --
Q. Understood.
A. -- is my opinion of the situation.
MR. KACHOUROFF: I have nothing further. Thank you, Judge.
THE COURT: Redirect?
MS. BIBERAJ: Briefly.
REDIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. Sergeant Leydig, relative to your actions and those that you directed your officers and deputies to do, was that in an attempt to silence his abilities to speak?
A. No, ma'am.
MR. KACHOUROFF: Objection, Your Honor. That goes beyond the scope. I never raised

147

anything about the deputy stopping him from speaking.
MS. BIBERAJ: I think it's his response, Judge, to Mr. Tigges wanting to speak and to exercise his First Amendment privilege. That's in response to that, that his attempts were not to forfeit that or just to (indiscernible) that in any way.
THE COURT: The issue came up about speaking.
MR. KACHOUROFF: It did. All I asked him was he said Mr. Tigges said -- because I wrote it down, I'm not leaving until -- or I'm not going to -- he asked what is his end game, and he believed Mr. Tigges said, I'm not leaving this room until I'm arrested or some such thing like that. And then I asked the question, is it possible he said I'm not leaving the room until everyone had a chance to speak. He couldn't remember.
That's it, but that doesn't open the door to him -- her asking all kinds of other

148

questions about whether he gave orders to stop speaking. I never even went into that. In fact, his testimony was that they did -- his testimony was just the opposite, that he actually is on the radio saying, we're going to give these people their First Amendment right to speak.
MS. BIBERAJ: Judge, we can refer to the court reporter as to the subsequent question because there was a subsequent question if that would guide the Court in its ruling on the objection.
THE COURT: I'm inclined to allow the answer to the question.
MR. KACHOUROFF: Okay. That's fine.
THE COURT: It seems to me that that was the -- there was a question about speaking and I think it's a follow up question to that. There might have been a difference in what you asked him about his recollection and what something may -- some other testimony -- not testimony -- but the video may have been, but regardless, I'm going to allow the question. Objection overruled.

AMERICAN OVERSIGHT
VA-22-0316-A-000345

149

MS. BIBERAJ: Thank you, sir.
BY MS. BIBERAJ:
Q. And Sergeant Leydig, was the crowd permitted an alternative site to continue with their public comments, such as being outside of the boardroom?
A. The hallway or the parking lot at large.
MS. BIBERAJ: I have no further questions. Thank you, sir.
MR. KACHOUROFF: May I redirect?
THE COURT: Yes.
RECROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Do you know whether the parking lot and the right to assemble outside of the parking lot, was that announced on the loudspeaker?
A. I don't recall.
Q. Do you recall whether the school board had a notice that said, listen, this is a big crowd tonight. We're going to set up additional areas outside for the right for the people to assemble?

150

A. I don't recall.
MR. KACHOUROFF: Thank you. Nothing further, Judge.
THE COURT: You have the last --
MS. BIBERAJ: Thank you, sir.
RE-REDIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. But you heard Sergeant McDonald -- I'm sorry -- Major McDonald clearly state they could assemble outside.
A. Yes, ma'am.
MS. BIBERAJ: I have nothing further. Thank you, Judge.
THE COURT: All right. Is this witness needed further?
MS. BIBERAJ: Judge, he's subject to recall if we may, please.
THE COURT: All right. You may step down.
THE WITNESS: Thank you, Judge.
THE COURT: You need to wait out in the hall and you may be recalled as a witness. Do not discuss this case while you're waiting.

151

THE WITNESS: Yes, sir.
THE COURT: The next witness for the Commonwealth.
MS. BIBERAJ: Judge, that would be the Commonwealth's case in chief.
THE COURT: Commonwealth's case.
MR. KACHOUROFF: Your Honor, I move to strike the Commonwealth's case.
THE COURT: Okay. Do you have some reason for that?
MR. KACHOUROFF: Of course, I do. I'm getting ready to tell you.
THE COURT: Okay.
MR. KACHOUROFF: This case is interesting from several respects. You've got the superintendent who thinks the sky is falling and describes a chaotic scene reminiscent of January 6th, yet there's no protestors burning chairs, looting, rioting, jumping on top of the dais, nothing.

152

The only incident you saw of someone standing on a chair was a shorter fellow -- and I sympathize with him because I'm not as tall as I'd like to be -- get on a chair during the recess and attempt to speak and attempt to say something, and then the microphone gets taken away and he gets down. There was nothing disorderly about that room, nothing. The cases are replete with this type situation.
And, look, we're not talking about a courtroom. If I come in here and pull antics on you, not only are you going to shut me down, the bailiffs will come and put me in cuffs because the decorum here is not the same -- it's not a political decorum.
First, I mean, Justice Thurgood Marshall has mentioned on occasion a famous case. I think it was an Illinois case, a Chicago case, where they were talking about the animating contest of freedom, and when we talk about politics, that there is -- it's expected that we are engaged in this political discussion. That's why a lot of

AMERICAN OVERSIGHT
VA-22-0316-A-000346

153

people don't like to talk about religion and politics, yet we have both of those things being talked about here.

Nothing in these videos shows any sort of riotous assembly. The question is -- the question you have to decide is whether an unlawful assembly has to be there in order for the police to clear a public assembly. You can't have it any other way than to have -- you have to make that analysis because if you do, then there's no -- why would you ever have an unlawful assembly? You never would. The unlawful assembly exists for this reason.

When I speak to unlawful assembly, I'm talking about the old common law and now which is codified at 406, I believe, of Title 18.2. Yes, 18.2-406. If this statute does not apply to public assemblies, it never will -- or to public protests, it never will. We will have established a new squish standard that, well, I feel this and I feel that and they weren't using their jazz hands. They were applauding. There's no policy

154

that says they can't applaud.

I noticed the Commonwealth didn't show you the -- Dick Black speaking and the applause afterwards because that video may not have been favorable to the Commonwealth. Why didn't they show the -- what the crowd's reaction was? It's their burden. They have the burden to do that, not me.

But at the end of the day, the motion to strike should be granted and for one salient reason, that in order to declare this an unlawful assembly, you have to meet the exact terms of the statute. Arresting one person who, according to Major McDonald, got tackled, but Sergeant Leydig didn't express it in those terms. The two guys -- they arrested him without incident and they took him out and people continued for a little while thereafter. And then they made the announcement to -- that it was an unlawful assembly.

I think when you look back at the evidence, that this really illuminates that issue because we have Major McDonald telling you

155

uncontradicted or that before he went back into the room with the board and the board wanted to clear the room out then and he said no. So he knew he couldn't just clear it out. So what is the standard by which he claims that he can clear that room?

The board obviously didn't want to hear any more public comment. That much is clear by virtue of Major McDonald's testimony. They're going to have that issue to deal with. That's a separate issue but the real glaring part that you have to overcome is why did Major McDonald have the right to clear that room when there was no unlawful assembly? And you'll see they're all -- without even my prompting, the witnesses like Dr. Ziegler are now backing away from the unlawful assembly because they know. They read the statute and they went, oops. We screwed up.

So they couldn't clear that room just because. When the board sets up a public meeting and within that public meeting, sets up a public comment session, it's accorded strict scrutiny.

156

It's accorded First Amendment protections under the United States Constitution. That's not in disputed. The only way to defeat that is to show -- make a showing not that, oh, well, the crowd was rowdy. Well, this is politics. Crowds always get rowdy. You know, I think one of the witnesses likened it to a game, but there wasn't three or more persons conspiring and the statute is key here and it assists you in understanding whether this occurred.

It's lawful or unlawful purpose. So they had a lawful purpose, but they do so by the commission of an act or acts of unlawful force or violence likely to jeopardize serious public safety. The statute sets the standard, not the training that all these officers claim to have. The statute does.

When three or more persons assembled share the common intent, then such assembly is an unlawful assembly. There wasn't three or more persons using violence. All you heard was one person got arrested because he was getting mad at

AMERICAN OVERSIGHT
VA-22-0316-A-000347

157

another woman and there was no indication that he hit her. There was no actual act of violence.

So in order for this case to -- in order for the -- for us to say that the sheriff had the right to stop a First Amendment hearing, he's obviously talking to the board. The board wants it stopped. That's where the school board superintendent decides, well, we'll just call it an unlawful assembly and we'll stop it right now.

The problem is it didn't meet that, so in order for the Commonwealth to meet its case, it can't run from the statute. They can now claim in open court after the fact, oh, it wasn't really unlawful. We were just scared that there were -- people weren't using their jazz hands. They were clapping and -- you know, no wonder why people are upset with government. The government -- this is not a beauty contest where we -- everybody sits respectfully. This is a political forum. This level is to be expected.

There was nothing -- you didn't hear that Mr. Tigges at any time was disrespectful to

158

the officers. He was asserting his constitutional rights. That's the oath that I took, that you took, that the Commonwealth took, that the officers take. Now, people have a tendency to want to balance these rights out, but this is not the same thing as yelling fire in a crowded theater. We're not even asserting that Mr. Tigges is attempting to yell fire in a crowded theater, but he had a right to speak. He wasn't doing anything wrong.

There wasn't an unlawful assembly, and that's the whole point of this. That's what colors this whole -- and by the way, just so the Court understands the Commonwealth's case, they tried to create an unlawful assembly without going to the statute. That's why you heard all this testimony about, well, we were scared, based on my training, you know, the crowd this, the crowd that. Well, it doesn't matter what any of that is. What matters is what the statute says. That's what we go by in the law.

And so in order to convict him of

159

trespass, which they cannot, they would have had to have shown that it was an unlawful assembly. He was there for a lawful purpose but he didn't engage in any acts of violence. It was passive, just like Martin Luther King and the passive protests. So I would ask Your Honor to find the Commonwealth has not met its burden. They have not proved that an unlawful assembly existed, and that they had no authority to order Mr. Tigges from the room. He had every right to speak because the time was allotted.

That's part of the First Amendment. These board meetings, time, place, and manner. So the board can regulate the time. In this case, the board wasn't regulating. You heard uncontradicted testimony that one woman came up and called -- wasn't addressing the policy, wasn't addressing the board. She's inciting the rest of the audience, who she knows is against this transgender policy and the critical race theory, calls them all haters of Jesus and a hate-filled room. What do you expect when the chair doesn't

160

even dress her down or tell her to stop? But yet, the moment people boo, she gets mad at them for saying that.

The time for public comment is to address public policy on the political issues. So I would submit, Your Honor, the board is stuck with this. They're the ones that did this. You know, they have to hear public comment. They may not like it but if they set aside that public comment period, it's a designated public forum. The First Amendment attaches with all of its restrictions.

So based on that, Your Honor, I would ask the Court to strike the Commonwealth's evidence and find -- and dismiss this case.

THE COURT: Ms. Biberaj?

MS. BIBERAJ: Judge, the reason why we're here is because Mr. Tigges was on the property of the school board and was asked to leave as one of many attendees. He chose to not leave. This convolution of what the issues are, so whether or not this is an unlawful assembly,

AMERICAN OVERSIGHT
VA-22-0316-A-000348

161

that's not really an issue before the Court, whether it was a lawful or unlawful assembly.

The statute is very clear, which says, it is unlawful for any person, herein, it is Mr. Tigges, to remain on school property belonging to the Loudoun County Public School System in violation of any direction to vacate the property by the property. That was done four times, by a person authorized to give such direction. That was Dr. Ziegler. Those are the elements of the trespass statute. Each of those elements have been met beyond a reasonable doubt, not only to survive a motion to strike but on any level.

The fact that this public comment was a basis by which people were invited to come to speak before the school board existed. They were not squashed for their ability to be able to do it, just the public comment had been terminated because of the behaviors within the audience. That is at the right of the school board but yet again, that is not the issue before Your Honor. It is the trespass. The trespass, all the

162

elements have been met and I would suggest to the -- Your Honor that the comment made by Counsel as far as us not showing any portion of the video, no offense, we showed to which to establish our case. They are given the opportunity if they wish to put on a defense. They don't have that burden, but they have that invitation. So I would ask the Court to focus on what the issue is and what the offense alleged, which is the trespass. Thank you, sir.

THE COURT: Anything further on your motion?

MR. KACHOUROFF: Very briefly. Any direction by a person authorized. That's what 128, Subsection -- Paragraph B talks about. Well, the superintendent admitted because I asked him the question point blank, do you control the board meetings? No, I do not. Do you control the boardroom and the board meetings when they're in session? No, I do not. He was not authorized. He said the board didn't tell him to do it, so he couldn't have been the person authorized to tell

163

the public they needed to leave a public meeting.

Now keep in mind, granted, they could have stopped the public comment but there was still a public meeting and the public had a right under the Virginia FOIA Act, the Open Meetings Act that it could attend. That's an open meetings violation to prohibit the public from going in. So they have every right, unless the board meeting was terminated altogether, which it wasn't. It was in recess, just like you took a recess. And they were supposed to come back, so you just can't have people exit, especially when, Judge, all this talk about all the training for de-escalation.

There was not a single warning that, hey, guys, they're going to ask you to leave. I need you to be respectful and quiet. There was none of that announced over the PA. They took the quick and fast opportunity to come out and say unlawful assembly. They said it four times and now they're trying to back away from it. They know because they're caught. For that reason, I would ask the Court to dismiss this case.

164

THE COURT: The Court finds that the Commonwealth has made a prima facie case in the light most favorable to the Commonwealth consistent with the requirements of 18.2-128B. The officers were authorized and they were telling the people to leave as well and it was that authorization in part that the Court considers in denying your motion to strike.

Do you wish to present any evidence?

MR. KACHOUROFF: No, Your Honor. I would renew my motion at this time under the standard of beyond a reasonable doubt with the contradictions you've heard, was there a reasonable doubt as to whether he should be allowed to remain there, whether the superintendent was a person that was authorized to do so.

You say the officers all told him to leave. All right. Just because an officer is giving you an unlawful order doesn't mean -- you suffer the consequences if the Court later determines it to be lawful, but if it's an

AMERICAN OVERSIGHT
VA-22-0316-A-000349

165

unlawful order and you resist peacefully, you're entitled to do that and the officer may indeed be wrong. I think the officers are trying to do their job with respect to following what the school board and what the superintendent were trying to accomplish, so I don't -- you know, when the officer says, please leave, that's not the standard by which we convict somebody for trespassing.

I mean, the officer has to have -- if he's getting direction from the person authorized, you have to be authorized to do that, so we go right back to the heart of the issue. I won't repeat it again for Your Honor, but it's -- I went over the First Amendment issue ad nauseum.

THE COURT: The Court finds that Major McDonald was in concert with the school officials and had the authority to tell those people to leave. They were working on that back and forth.

MR. KACHOUROFF: Well, Judge, I apologize.

THE COURT: The board --

166

MR. KACHOUROFF: The school board isn't the school officials. The school board's an elected body. The superintendent has -- he takes direction from the school board but he says he acted on his own. He can't do that. It's a school board meeting. It's a public meeting. He has no authority as a superintendent to govern a public meeting, zero.

THE COURT: He has authority to administer the billet, which is what he testified to. He has the authority to do that and he had authority when working with police for -- under exigent circumstances for welfare and safety of the people at the meeting to ask them to leave the building and within the earshot of that was the Defendant, who was told, you can continue outside. That's on the video.

MR. KACHOUROFF: Yeah, but he wasn't told that, number one.

THE COURT: It's within -- it was audible from where he was.

MR. KACHOUROFF: Right. But just so

167

we're clear, it's still a public meeting. And so the question is why was the room -- you're saying because of safety issue, well, you're invoking the unlawful assembly (indiscernible).

THE COURT: I am invoking the requirements of the statute.

MR. KACHOUROFF: Well, they can't -- they're not authorized to do it. That's the point. Just because he's authorized at large to manage the buildings -- in other words, you've just said, Your Honor -- and consider this, respectfully, that the superintendent, despite a board meeting, can withhold -- can stop the public from going in because he has the power to administer the school board or the buildings. He doesn't have that power.

When the school board acts, they sit in a session in the school boardroom. It's not even -- I mean, it may be attached to the admin buildings, but it's a school board dais. That's what it's there for. It's for the public to come and listen. That's why it was designed. So if

168

we're going to talk about danger, if we're going to talk about safety matters, the general assembly has already put that in plain language in the statute, and that's under the unlawful assembly statute, 460.

Otherwise, under this interpretation, we would never use unlawful assembly ever again to get people to clear a room. That's the whole point of the unlawful assembly. You have no longer the right to assemble. It has now become unlawful. And when is that? When 460 tells you, three or more persons. They haven't shown three or more persons. At most, they've shown one. That's the point.

THE COURT: Do you want to respond?

MS. BIBERAJ: I do, Judge. Thank you. Judge, Dr. Ziegler testified that he is the CEO of Loudoun County Public Schools and is in charge of the day-to-day operations. As far as this being a board meeting, which is with the board members, that is what their function is, as far as being able to administer that public meeting.

AMERICAN OVERSIGHT
VA-22-0316-A-000350

169

The tenor changed when safety became an issue. And we saw on the video, this was after the fourth time that people have been asked to leave, and you saw there were still throngs of people there, and they had no hesitation to being confrontational with the law enforcement officers. Here's a situation where what ends up happening is that the actions within the meeting made it such that they were not going to allow any more public comment within.

Once the public comment was over, they did shut it down because people were standing on chairs, people are yelling and screaming at one another. There's a large number of people. That was the safety issue that -- the determination that was made. People were given numerous opportunities to leave. The direct question was made to Mr. Tigges, are you going to leave without being arrested? And what's your end game? I'm not leaving without being arrested.

MR. KACHOUROFF: Not true.

MS. BIBERAJ: That's what the Sergeant

170

testified to. On the video, the Sergeant asks him, sir, Jon, are you willing to leave? No. You will be arrested for trespass. Okay. Officer, please arrest him. This was clear notice to him as to his right to be in that facility was no longer a right that he had because it was -- the invitation had by then been revoked.

And we have that in every business. If you go to a business that's a public business, you are allowed to be there until the person who's in a position of authority says, no longer. In concert with law enforcement, the determination was made that this was no longer a safe situation to continue with. That's why there was a delay of 20 to 30 minutes was also to allow people to speak, to kind of get it out of their system, to walk out, and to allow law enforcement to come in to be able to help direct that.

Everything was done right by the -- Dr. Ziegler. Everything was done right by law enforcement to say, we've just got to move this outside and we're not shutting you down. The

171

public comment in front of the school board may be one thing, but the school board was no longer on the dais. So the public comment was just being moved to the outside and they were welcome to do that. You heard Major McDonald say, you can take it outside and you can talk outside. Just go on. Let's go. We've got to go out and leave the room.

I don't know how much more notice could have been provided. I don't know how much more the law enforcement could have done to be able to say, this is no longer appropriate in here. So it was on the trespass issue, this idea that we're just going to throw in the unlawful assembly, that was the words that Dr. Ziegler choose. He said, I just misspoke on that, but the notice is very clear. You are not allowed to be here any longer. Otherwise, you run the risk of being arrested. That's what trespass requires, notice. Notice was very clear.

MR. KACHOUROFF: If I may respond briefly. It's my motion.

THE COURT: Okay. Well --

172

MR. KACHOUROFF: Last word, right.

THE COURT: Well, on your motion, you do get --

MR. KACHOUROFF: Correct, correct. So the day-to-day affairs of a CEO don't -- do not include telling shareholders how to run their meeting or has nothing to do with the shareholders. The shareholders here are the school board. They operate on their own meeting, their own assembly, like a little general assembly right there. You know, and the school board executive, being the superintendent, has no right to tell them what to do at all, and that hasn't been established.

If we're going to get technical, I haven't heard one single statute saying that the superintendent -- one single Virginia regulation saying that the superintendent had a right to do what he did, zero. So that day-to-day operations, I think, is crazy. And just moments ago, she said, well, they could have taken it outside. That's not the point. Regardless of the public

AMERICAN OVERSIGHT
VA-22-0316-A-000351

173

comment, they had a right to be in a public meeting. That's part of the Virginia FOIA statute, the open meeting violation, so that alone, that shows you the weakness of the case. Judge, you can't order people outside. You can end public comment. I get it.

Now that's going to -- that's a completely different issue at this point whether they could or couldn't, but the point is they shut down the entire meeting, the entire public meeting for the public. They were no longer allowed in to observe the board. Now you also heard Major McDonald say, he stayed behind not for the purpose of securing the board, but to listen to an issue the board was going to talk about. So he could sit there as a member of the public and do it, but the rest of the people could not. Why? Because they had shut down the public participation. They'd shut down public access to that room and they should not have.

THE COURT: The Court believes from the totality of the evidence that the requirements of

174

18.2-128B have been fulfilled, and the Court finds the Defendant guilty of the offense and imposes a $500 fine with $400 suspended, conditioned on his good behavior for the next 12 months of unsupervised probation. That's a final order. You have a right to appeal this decision within ten days.

MR. KACHOUROFF: Thank you, Your Honor.

MS. BIBERAJ: Thank you for your time, Judge.

THE COURT: Thank you.

(Off the record at 12:15 p.m.)

175

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Brendon Cuenca, the officer before whom the foregoing deposition was taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 3rd day of October 2021.



_____

Brendon Cuenca, Notary Public
for the State of Maryland

176

CERTIFICATE OF TRANSCRIBER

I, Teresa R. Salazar, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Teresa R. Salazar

Teresa R. Salazar
October 3, 2021

AMERICAN OVERSIGHT

EXHIBIT H

AMERICAN OVERSIGHT

LOUDOUN COUNTY PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT
21000 Education Court
Ashburn, Virginia 20148
(571) 252-1020

Scott Ziegler, Ed.D.
Superintendent

Sheriff Mike Chapman,

We are committed to providing our community with good, solid information as we work to provide all students with a safe learning environment.

With that in mind, we are writing to address what may be inaccurate information that was shared at the Board of Supervisors meeting on November 3, and reported in the media last evening.

Per the Code of Virginia, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult.

During the quarterly crime update to the Loudoun County Board of Supervisors on November 3, Col. Mark J. Poland of the Loudoun County Sheriff's Office suggested that your offices notified the Loudoun County Public Schools of charges in the Stone Bridge High School sexual assault case. The question-and-answer with the Board of Supervisors and Sheriff's Office went as follows:
Dulles District Supervisor Matthew Letourneau asked Col. Poland of the Loudoun County Sheriff's Office: "I'm just gonna ask, straight up, could you tell us if the Sheriff's Office did, in fact, notify Loudoun County Public Schools when the individual was charged?"

Col. Poland answered: "To answer your question, they were notified. They were absolutely notified."

At this point, LCPS cannot confirm that we have received the required notification of charges from the Loudoun County Sheriff's Office regarding this case.

We request that LCSO forward a copy of the notification of charges, the date it was sent, and to whom it was addressed, directly to the superintendent and principal of Stone Bridge High School, as required by the Code of Virginia. Moving forward, we need a clear understanding of who in the Loudoun County Sheriff's Office will be responsible for communicating this required information with the superintendent and building principal.

We believe our partnership with LCSO is critical in ensuring a safe environment in our schools and overall community.

Best,

Dr. Scott A. Ziegler
Superintendent

Cc: Loudoun County School Board
Loudoun County Board of Supervisors
Col. Mark J. Poland, Loudoun County Sheriff's Office

SZ/mw

AMERICAN OVERSIGHT

EXHIBIT J

AMERICAN OVERSIGHT

Sheriff Michael L. Chapman

LOUDOUN COUNTY SHERIFF'S OFFICE

P.O. Box 7200, Leesburg, Virginia 20177-7200
803 Sycolin Road SE, Leesburg, Virginia 20175
Telephone 703-777-0407

November 10, 2021

Dr. Scott A. Ziegler
Superintendent
Loudoun County Public Schools
21000 Education Court
Ashburn, VA 20148

Dear Dr. Ziegler,

This letter is in response to correspondence I received from you on Friday, November 5, 2021 (Attachment #1). In your letter, you state that Loudoun County Sheriff's Office (LCSO) Colonel Mark Poland shared what "may be inaccurate information" to the Board of Supervisors at the November 3, 2021, meeting regarding a sexual assault that occurred at Stone Bridge High School on May 28, 2021. You detail a response by Colonel Poland to Supervisor Matt Letourneau's question as to whether Loudoun County Public Schools (LCPS) was notified of the arrest of the individual who committed the offense. Colonel Poland's response was, "They (LCPS) were absolutely notified."

You fixated your question on whether the arrest notification was made specifically by the LCSO – not on whether you had received "official notification" of the subject's July 9, 2021 arrest. Nothing in your letter addresses the following facts:

- That you knew of the alleged sexual offense the day it occurred.
- That despite a public statement at a School Board meeting on June 22, 2021 denying any knowledge of sexual assaults in any LCPS bathrooms, you sent an email on May 28, 2021 to members of the School Board advising them of the incident – thus invalidating your public statement (see Attachment #2).
- That LCPS was aware of the offense the day it occurred, and an official notification of the suspect's July 9, 2021 arrest was made to LCPS by Juvenile Intake as required by law.
- That LCPS was aware of the Juvenile Intake, Commonwealth Attorney, and Judicial process throughout this case.
- That despite knowing the serious nature of the offense, LCPS decided to place this individual back into (another) high school population.
- That the consequences of that decision resulted in a second student being victimized by the same defendant.

To address your concern more clearly, it is important to recognize Code of Virginia requirements and its application, as well as the sequence of events. You state, "Per the Code of Virginia, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such report, on **offenses**, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult." Unfortunately, two critical points were omitted from your letter.

AMERICAN OVERSIGHT

- The section you refer to, *Code of Virginia §22.1-279.3:1*, stipulates "offenses," not arrests. This offense was reported to the LCPS the day it occurred as evidenced by your email on May 28, 2021. You were unmistakably aware of the offense as you personally reported it to the School Board that same day.
- You failed to articulate that the July 9, 2021 arrest did not occur on LCPS grounds, but at Juvenile Intake while school was on summer recess. All investigations involving minors, that involve Juvenile Intake during the process (as did this case), **require** that Juvenile Intake provide notification to the LCPS regarding certain arrests (sexual assaults included). This is stipulated in §16.1-260 Section G of the Code of Virginia which states, "the intake officer **shall** file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court."

This process was properly followed as evidenced by the timeline of communications below:

- Just prior to the July 9, 2021 arrest, case investigator Detective Czekaj of the LCSO Special Victims Unit, communicated with Mr. Jason Bickmore of the Loudoun County Juvenile Court Service Unit (JCSU). She asked if "we" (LCSO) should make the arrest notification to LCPS. Mr. Bickmore advised that JCSU would make the notification as it is their responsibility to do so. In a post-arrest conversation between Detective Czekaj and Mr. Bickmore, Mr. Bickmore confirmed the notification was sent by letter to LCPS, which LCPS could then disseminate for safety purposes.
- On October 27, 2021, conversations about this case occurred between Sergeant Promisel and Mr. Bickmore (JCSU). On that date, Mr. Bickmore advised Sergeant Promisel that he was "surprised" that LCPS, in conjunction with the Commonwealth Attorney's Office, had determined to place the defendant in another school.
- The fact that all required notifications were made to LCPS was further validated on October 28, 2021, by Greg Davy, the Virginia Department of Juvenile Justice Public Information Officer, who was quoted by WTOP stating, *"notifications required by 16.1-260G of the Code of Virginia are met in the Loudoun District Court Service Unit by mailing a hard copy notification letter to the office of the District Superintendent of Schools."* It is critical for arrest notifications to be made under this Virginia law, by the JCSU, as many incidents involve arrests made by outside jurisdictions other than where the offender resides. Therefore, the JCSU, which is considered a state agency, can assure notifications are made to the proper school system.
- On October 28, 2021, Lieutenant Colonel Bobby Miller confirmed with Mr. Ira Holland, Director of Loudoun County Juvenile Court Service Unit, that a notification was made to LCPS. Mr. Holland stated, *"we followed the law."*
- Finally, on November 8, 2021, Mr. Bickmore informed Sgt. Promisel, that in late August 2021, he had conversations with both Mr. Doug Fulton, Director of School Administration, and Mr. Dave Spage, the Principal of Broad Run High School, regarding the defendant's court-ordered disposition.

The sequence of events and review of applicable Virginia Codes clearly demonstrate that you and your leadership staff at LCPS were aware of the offense; the suspect's arrest; and the judicial process involving the Commonwealth Attorney's Office, Juvenile Intake, and Juvenile Court from the time of the original sexual assault to the time of the defendant's conviction. Despite that, LCPS opted to place this individual in another school where a second sexual assault allegedly occurred. If there were any lapses in

AMERICAN OVERSIGHT

communication directly to you throughout this process that impacted your decision making, it would seem it occurred within LCPS' own administration.

Finally, I noticed that you commissioned an "independent" review, which I assume will be paid for by the LCPS using Loudoun County taxpayer dollars. You announced this a day after incoming Attorney General Jason Miyares stated publicly that he intends to investigate this incident. While I believe an independent review would be helpful, I have concerns of the legitimacy of such a review conducted at your direction. As the Attorney General is accountable to the citizens of Virginia, I feel an Attorney General review is the most objective way to move forward on this issue.

Please feel free to contact me if you have any questions or concerns. Thank you.

Sincerely,

Michael L. Chapman
Sheriff

cc: Loudoun County Public Schools School Board
Loudoun County Board of Supervisors

AMERICAN OVERSIGHT

EXHIBIT I

AMERICAN OVERSIGHT

From: [redacted]
Sent: Friday, March 12, 2021 9:55 PM
To: Atoosa Reaser <Atoosa.Reaser@lcps.org>; scott.ziegler@lcps.org <scott.ziegler@lcps.org>
Cc: mike.chapman@loudoun.gov <mike.chapman@loudoun.gov>; stephen.devita@lcps.org <stephen.devita@lcps.org>; Brenda Sheridan <brenda.sheridan@lcps.org>; ian.serotkin@lcps.org <ian.serotkin@lcps.org>; jeff.morse@lcps.org <jeff.morse@lcps.org>; harris.mahedavi@lcps.org <harris.mahedavi@lcps.org>; leslee.king@lcps.org <leslee.king@lcps.org>; john.beatty@lcps.org <john.beatty@lcps.org>; bos@loudoun.gov <bos@loudoun.gov>
Subject: Teacher bashing parents

Atoosa and Dr. Ziegler,

There is a group on Facebook called Anti-Racist Parents of Loudoun County.

As you can see in one post below, Beth Barts, not acknowledging she is not speaking on behalf of the board, started a frenzy of a conversation.

Soon thereafter, the other post and comments below began from this [redacted], better known as [redacted], a teacher at [redacted], to go after parents she "thinks" are against CRT.

This is not ok, by anybody, but from a teacher is unexceptionable. A student would be in trouble for this. Why isn't a teacher held accountable? Honestly, this post is beyond scary and disturbing. My heart has been pounding since this was brought to my attention. Are they coming after me because of my view they don't even know about? Do I need to keep guard at my front door? Maybe I should consider myself lucky because they don't know my "legal" name.

This needs to stop. This teacher threatening parents, to the point one just told me she has to tell her HR on Monday in fear of losing her job, is not ok.

I can't beg you enough; please make her stop. She is a teacher. And the fact that there are other board members in this group not putting it to a stop is shameful.

AMERICAN OVERSIGHT

Exhibit J

AMERICAN OVERSIGHT

PROFESSIONAL CONDUCT

The Loudoun County School Board expects all staff, as public employees, to recognize that they are in a position of public trust and are held to the highest standard of personal and professional conduct, serving as role models, influencing and shaping young lives, and representing the school division. It is the policy of the School Board to promote and foster work and educational environments that demonstrate the principles of respect, professionalism, civility, and inclusivity.

As stewards of the school division, employees are expected to convey these principles to students, parents, colleagues, and the school community through their actions and day-to-day activities during and after school or work hours, whether on or off school board property, including the property of any school, office, or facility. As public employees, it is important that employees are mindful of the potential impact of their behaviors and actions that occur outside of their job responsibilities and work hours.

A. Expectation of Professionalism. Employees are expected to perform all assigned job duties in accordance with performance standards and job-specific requirements (to include attendance-related policies, procedures, and guidelines). Employees are expected to conduct themselves professionally, to treat all individuals with dignity, respect, and civility, and to demonstrate a commitment to an inclusive, safe and supportive work and educational environment where individuals from diverse backgrounds work together to pursue the shared mission of the school division. Unacceptable behavior includes but is not limited to:

1. Bullying behavior against staff or students as defined in School Board Policy 7014 (Environments Free From Harassment, Discrimination, and Abuse) and School Board Policy 8250 (Bullying Prevention and Education);
2. Acts of physical violence or threats of violence or harm towards others;
3. Theft of any kind;
4. Shouting, yelling, or raising one's voice in a hostile, angry, or threatening manner;
5. Intentionally damaging school board or privately-owned property, or acts of negligence that result in damage to property;
6. Disrespectful, discourteous, uncivil, disparaging, or demeaning words, gestures or actions;
7. Using, selling, dispensing, possessing, manufacturing, or being under the influence of illegal drugs and narcotics or alcohol as defined in School Board Policy 7550 (Drug- and Alcohol-Free Workplace); or
8. Failure to adhere to School Board policies and regulations, state and federal laws and regulations, and school- or department-based procedures and guidelines.

B. Commitment to Equitable Treatment. The Loudoun County School Board is committed to an equitable and inclusive work and educational environment for employees and students. As outlined in the Superintendent's Statement on Equity, Loudoun County Public Schools reject racist and other racially motivated behavior and language, recognizing

AMERICAN OVERSIGHT
VA-22-0316-A-000362

that it encourages discrimination, hatred, oppression, and violence. Employees are expected to support the school division's commitment to action-oriented equity practices through the performance of their job duties, as the Division engages in the disruption and dismantling of white supremacy, systemic racism, and language and actions motivated by race, religion, country of origin, gender identity, sexual orientation, and/or ability. Behavior that will not be tolerated includes but is not limited to:

1. Harassing or discriminatory comments or conduct including speech or other telephone, electronic, or social media communication that:

a. is motivated in whole or in part by a bias against an individual's race, national origin, ancestry, color, sex, sexual orientation, perceived sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, marital status, age, religion, disability, genetic information, or veteran status; or

b. can reasonably be interpreted as discriminatory, racially or ethnically derogatory, defamatory, or as undermining the views, positions, goals, policies or public statements of the Loudoun County School Board or its Superintendent when such comments or conduct create the reasonable apprehension of a disruption or disrupt the operations or efficiency of LCPS.

2. Use of racial insults or slurs regardless of intent. For example, it is unacceptable to use a racial insult or slur in responding to or addressing a situation in which an individual has used a racial insult or slur.

3. Any comments or actions that are not in alignment with the school division's commitment to action-oriented equity practices, and which impact an individual's ability to perform their job responsibilities or create a breach in the trust bestowed upon them as an employee of the school division. This includes on-campus and off-campus speech, social media posts, and any other telephonic or electronic communication.

C. Recognition of Appropriate Employee-Student Boundaries. Employees are expected to establish and maintain appropriate physical, social and emotional boundaries with students. Unacceptable behavior includes but is not limited to:

1. Grooming, Sexual Misconduct, and Sexual Abuse. Grooming is a method used by adults that involves building trust and/or attempting to build trust with children and/or adults for the purpose of developing an inappropriate relationship. Grooming, sexual misconduct, and sexual abuse are egregious breaches of an educator's professionalism and duty to protect children and are strictly prohibited.

a. Per School Board Policy 7530 (Duty to Report Child Abuse and Neglect), allegations of behaviors that constitute grooming, sexual misconduct, or other forms of abuse or neglect must be reported to

AMERICAN OVERSIGHT

Child Protective Services (or Adult Protective Services, as applicable) and appropriate law enforcement agencies.

b. Behavior that violates this policy includes but is not limited to the following:

(i) Sexual or romantic invitations to students;
(ii) Dating students or soliciting dates with students;
(iii) Engaging in sexualized dialogue with students;
(iv) Making suggestive comments to students or in the known presence of students;
(v) Physical exposure of a sexual, romantic, or erotic nature;
(vi) Self-disclosure of a sexual or erotic nature to students or in the known presence of students; or
(vii) Sexual contact or inappropriate overtures to students whether they be physical, verbal, non-verbal, written or electronic.

c. Engaging in an intimate, romantic, or sexual relationship with a student after the student's graduation, combined with credible allegations of engaging in grooming behaviors with the student before graduation, will result in an investigation. Substantiation that such grooming behaviors occurred before the student's graduation will lead to disciplinary action up to and including termination.

2. Inappropriate or Intimate Social Relationships and Communication. The boundary of the employee-student relationship must be maintained at all times. Examples of behaviors that constitute an inappropriate or intimate social relationship or communication with a student include but are not limited to:

a. Conversations and comments of an intimate, romantic, or sexual nature;

b. Commentary on a student's physical appearance or clothing that could reasonably be interpreted as sexual, flirtatious, or harassing;

c. Physical contact with students that could reasonably be interpreted as sexual harassment or as having sexual or flirtatious intentions;

d. Telephonic or electronic communication, including social media contact, unrelated to school activities to include but not limited to connecting with, following, or friending students via social media or email accounts;

e. Prolonged, frequent, or private contact between an employee and student during or outside school hours that is unrelated to academics or school activities;

f. Singling out students for flirtation, friendship, or personal attention beyond the bounds of the employee-student relationship;

g. Singling out students for receipt of gifts;

AMERICAN OVERSIGHT

h. Transporting students in personal vehicles without the knowledge of a parent/guardian or a supervisor, outside of case-by-case approval by a supervisor for an exception to transport the student in the event of an emergency or unusual circumstance; or

i. Entering the home of a student without the knowledge of and presence of a parent/guardian.

All forms of contact and communication with students must be transparent, accessible to supervisors and parents, nonsexual, unambiguous in meaning, and professional in reference and content. If an employee feels that a student is contacting or engaging with them inappropriately or that the student is attempting to blur the line of their relationship, the employee will seek immediate guidance from their supervisor.

D. Duty To Report. Employees with supervisory responsibilities are expected to encourage professional, respectful, civil, equitable, and inclusive work and educational environments for employees and students, and to address issues of unprofessionalism. Employees who feel they have been subjected to conduct that may violate the expectations outlined within this policy, or who have witnessed such conduct, should notify their supervisor immediately. Students who feel they have been subjected to conduct that may violate the expectations outlined in this policy, or who feel they have witnessed such conduct, should notify a building administrator, school counselor, or the Department of Instruction's School Administration Office.

1. If the concern is about the employee's supervisor, the employee will report the complaint to the supervisor's supervisor, department head, or the Department of Human Resources and Talent Development.

2. Employees must also ensure they are following reporting requirements outlined in other relevant School Board policies to include but not limited to School Board Policy 7530 (Duty to Report Child or Student Abuse and Neglect) and School Board Policy 7550 (Drug- and Alcohol-Free Workplace). Any employee who becomes aware of sexual harassment by any means is obligated to immediately report it to their supervisor who will, in turn, report the matter to the Title IX Coordinator. Failure to follow reporting requirements is considered a violation of this policy.

3. Employees are also encouraged to report violations of LCPS's commitment to equitable treatment of students and staff to their immediate supervisor or principal.

E. Protected Speech. Nothing in this policy or any other policy shall be interpreted as abridging an employee's First Amendment right to engage in protected speech, however, based upon an individualized inquiry, speech, including but not limited to via social media, on matters of public concern may be outweighed by the school division's interest in the following:

1. Maintaining efficiency of the school system;

AMERICAN OVERSIGHT

2. Preventing disruption or a reasonable apprehension of a disruption of the learning and working environment;

3. Maintaining public trust and confidence at all times;

4. Fostering close personal relationships among and between staff and parents;

5. Promoting internal LCPS and external community harmony and peace; and

6. Establishing and maintaining a tranquil learning and working environment.

7. Achieving consistent application of the Board's and Superintendent's stated mission, goals, policies and directives, including protected class equity, racial equity, and the goal to root out systemic racism.

F. Provision Against Retaliation. Employees are prohibited from retaliating against an individual for raising concerns of potential violations of this policy. Individuals who knowingly make false complaints under this policy are subject to disciplinary action. Reasonable, good faith beliefs that this policy has been violated will not result in discipline if the concerns raised are later proven untrue.

Adopted: 10/10/72
Revised: 6/22/93, 4/26/16
Current Revision: xx/xx/xx

Legal Refs: § 22.1-291.4, § 1-276.01

Cross Refs: Policy 7014, Environments Free From Harassment, Discrimination and Abuse, Policy 7016, Employment Complaints, Policy 7312, Evaluation of Licensed, Classified, and Administrative Staff, Policy 7530, Duty to Report Child Abuse and Neglect, Policy 7550 Drug- and Alcohol-Free Workplace, Policy 8250, Bullying Prevention and Education, Duty to Report Sexual Harassment as provided by Title IX Regulations, 34 C.F.R. Part 106.

AMERICAN OVERSIGHT

EXHIBIT K

AMERICAN OVERSIGHT

From: Sullivan, Christy [VA]
To: Scott Ziegler
Cc: Sandy Sullivan; Byrd, Kelly [VA]; Sullivan, Christy [VA]
Subject: [EXTERNAL] RE: Regulations 7560 and 7030
Date: Thursday, October 1, 2020 9:23:33 AM

Scott,

How soon do you think we can get a copy of the staff changes to Policy 7560? We would like to review it tomorrow prior to the School Board meeting on Tuesday.

Also, we would appreciate a written reply to the email we sent you last Thursday.

Thank you.

Christy W. Sullivan
UniServ Director
Loudoun Education Association
19465 Deerfield Ave, Suite 206
Lansdowne VA 20176
703.858.7700
csullivan@veanea.org

From: Sullivan, Christy [VA] <CSullivan@veanea.org>
Sent: Thursday, September 24, 2020 3:50 PM
To: Scott Ziegler <Scott.Ziegler@lcps.org>
Cc: Sandy Sullivan <president@loudounea.org>; Byrd, Kelly [VA] <Kbyrd@veanea.org>; Sullivan, Christy [VA] <CSullivan@veanea.org>
Subject: Regulations 7560 and 7030

Scott,

I am responding to the statements you made about LEA during the School Board meeting on Tuesday. LEA did not receive proposed Policy 7560 ahead of time. LEA has always received all proposed Policies the same day immediately after they are sent to the SB HRTD committee. That has not been happening lately. You, Jeff Morse, and I even had email conversations about making sure that happened. Kelly was at the virtual SB HRTD meeting; the Policy was not discussed prior to public comments. You and I **briefly** talked about the Policy during a conversation about an HRTD employee issue. I stated LEA has seen cases in many of the areas cited in the Policy and that I hoped it would help. I don't believe Kelly or I said the policy was favorable. When a proposed policy comes out, Kelly, Sandy, and I review the Policy and get feedback from members. Sandy brought that feedback to the School Board meeting on Tuesday. At no time did LEA provide feedback and state this Policy was fine.

LEA does have concerns, the same concerns brought forward by School Board members at their last meeting. LEA agrees with Ms. Barts and Mr. Serotkin about Section 2 on page 3 not being clear

AMERICAN OVERSIGHT

enough for parents and students whose family are friends or friends with their own children. Ms. Corbo asked question on the other item LEA is concerned about. Section E, on pages 4 and 5 on Protected Speech, has brought forth a lot of emails from our members. The word **HOWEVER** at the end of line 173 makes it sound like employees have first amendment rights **HOWEVER** their first amendment rights might be outweighed by the school division's interest in the following, which goes on to seven additional points. The way this is written looks like LCPS is trying to limit what employees can talk about, even on matters of public concern. This section needs much clarification for employees to believe LCPS is not attempting to remove their Constitutional Right to free speech.

We would appreciate seeing the changes being made by staff prior the School Board taking action on the Policy at their next meeting.

Additionally, I sent you an email on August 21 (see below) with feedback on Regulation 7030 and I have yet to receive a response. We look forward to your response on Regulation 7030.

Scott, we may not always agree on wording. It is our hope LEA will receive a copy, which has been practice for a long time, of all proposed policies the same day they go the School Board or the SB HRTD committee. Timeliness will give LEA a few days prior to Policies being discussed at School Board meetings.

We look forward to your response.

Christy W. Sullivan
UniServ Director
Loudoun Education Association
19465 Deerfield Ave, Suite 206
Lansdowne VA 20176
703.858.7700
csullivan@veanea.org

From: Sullivan, Christy [VA]
Sent: Friday, August 21, 2020 3:07 PM
To: Scott Ziegler <Scott.Ziegler@lcps.org>
Cc: Sandy Sullivan <president@loudounea.org>; Kelly Byrd - VEA (Kbyrd@veanea.org) <Kbyrd@veanea.org>; Christy Sullivan <csullivan@veanea.org>
Subject: Regulation 7030

Scott,

Thank you for your explanation of the Regulation 7030 during our conversation yesterday. We are very concerned this was released during a pandemic when most employees are teleworking and there is no distinction in the regulation as to whom the new telework section applies to.

We do have some questions/concerns to share with you:

AMERICAN OVERSIGHT

D.1.a. Will all eligible positions *immediately* have the telework designation in their job description?

D.4.k. We have received the most complaints about the first sentence in k. Employees feels this statement is condescending and not necessary. Many teachers have wondered if this applied to them during the pandemic. Thank you for clarifying it does not. However, we would like the first sentence struck from this paragraph. It is condescending and unnecessary.

Please send us a copy of the telework agreement the employee and supervisor would sign.

I would appreciate your agreement that school-based positions are covered under section E. and not section D.

Why was this regulation released right now? It certainly has stirred up a hornet's nest since employees believe the entire regulation applies to them (including school-based employees).

I look forward to your reply; it will help us clarify this regulation when employees contact the LEA for clarification.

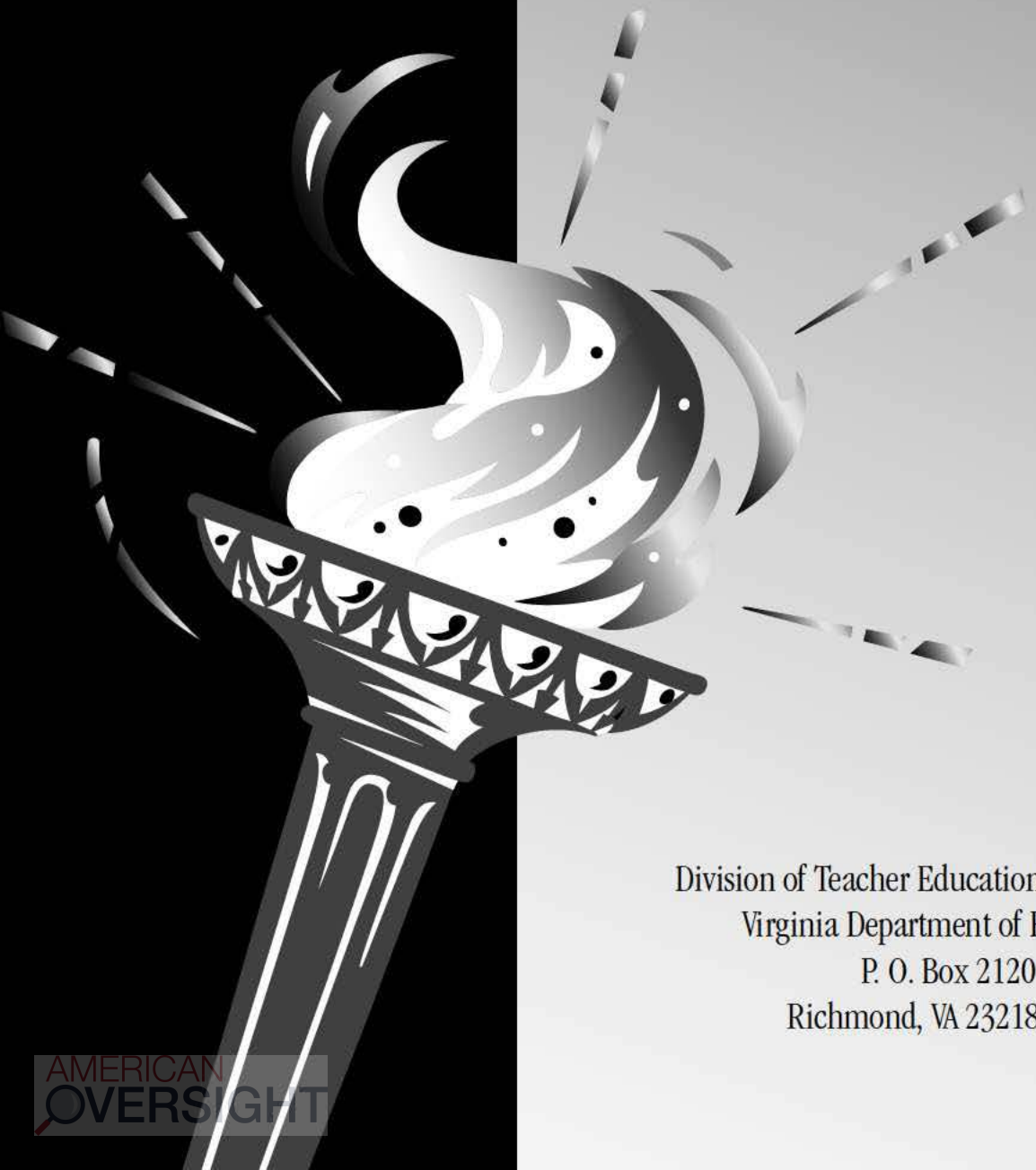
Christy W. Sullivan
UniServ Director
Loudoun Education Association
19465 Deerfield Ave, Suite 206
Lansdowne VA 20176
703.858.7700
csullivan@veanea.org

AMERICAN OVERSIGHT

Exhibit L

AMERICAN OVERSIGHT

Guidelines for UNIFORM PERFORMANCE STANDARDS and Evaluation Criteria for Teachers, Administrators, and Superintendents



Division of Teacher Education and Licensure
Virginia Department of Education
P. O. Box 2120
Richmond, VA 23218-2120

AMERICAN OVERSIGHT

VA-22-0316-A-000372

Guidelines for UNIFORM PERFORMANCE STANDARDS and Evaluation Criteria for Teachers, Administrators, and Superintendents

Guidelines Developed in Response to
Education Accountability and Quality Enhancement Act of 1999
(HB 2710 and SB 1145)

Adopted by the Virginia Board of Education
January 6, 2000

Division of Teacher Education and Licensure
Virginia Department of Education
P. O. Box 2120
Richmond, VA 23218-2120

AMERICAN OVERSIGHT

Foreword

Recent education reform efforts in Virginia include: (1) the revision of the Standards of Learning in four basic subject areas—English, mathematics, science, and history and social science, (2) implementation of new tests to assess the performance of students, schools, and school divisions, (3) revision of the state's standards of accreditation to establish clear expectations and consequences for students and school performance, and (4) the development of a school report card. These reform efforts clearly effect the role and expectations of teachers, administrators, and superintendents. The *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents* were developed as a result of the Virginia education reform efforts and the 1999 Education Accountability and Quality Enhancement Act (HB2710 and SB1145) approved by the Virginia General Assembly and signed into law by Governor Gilmore.

These guidelines provide the framework for school divisions to use to develop evaluation criteria for teachers, administrators including instructional central office personnel and principals, and division superintendents. They are intended to provide guidance for school boards in the development of evaluation policies and procedures. Through these guidelines, the role and expectations of those individuals having the most effect on student learning and achievement will become clearer. They also provide continuity between the roles of teachers and administrators and their impact on student achievement.

It is anticipated that the Department of Education will continue the next phase of this initiative by developing prototype instruments in the three areas. These sample instruments may be used to guide school division personnel in designing evaluation tools for annual personnel performance. In the meanwhile, as you review and use The *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents*, please inform us of comments that may enhance this effort by contacting the Division of Teacher Education and Licensure, Virginia Department of Education, at (804) 371-2522.

AMERICAN OVERSIGHT

VA-22-0316-A-000374

AMERICAN OVERSIGHT
VA-22-0316-A-000375

Table of Contents

Acknowledgements 2

Background

Introduction 5

Rationale 6

Development Process 7

Intended Use 7

Evaluation Criteria for Teachers, Administrators, and Superintendents

Introduction to the Evaluation Criteria 11

Descriptions of Major Categories 11

Definition of Evaluation Criteria 12

Teacher Evaluation Criteria 12

Administrator Evaluation Criteria 14

Superintendent Evaluation Criteria 15

Recommendations for Implementation

Next Steps for Use by Local School Divisions 19

Recommendations for Integrating Student Learning in Educator Evaluation 20

References 22

Appendices

Appendix A - Teacher Evaluation Criteria and Performance Indicators 25

Appendix B - Administrator Evaluation Criteria and Performance Indicators 32

Appendix C - Superintendent Evaluation Criteria and Performance Indicators 40

AMERICAN OVERSIGHT

VA-22-0316-A-000376

Acknowledgments

Personnel in the Virginia Department of Education acknowledge with appreciation the contributions of many educators in developing the Proposed Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents. The Department of Education also acknowledges the exemplary work of the Advisory Committee on Teacher Education and Administrator Evaluation representing division superintendents, principals, teachers, school division central offices, higher education, school boards, and professional organizations.

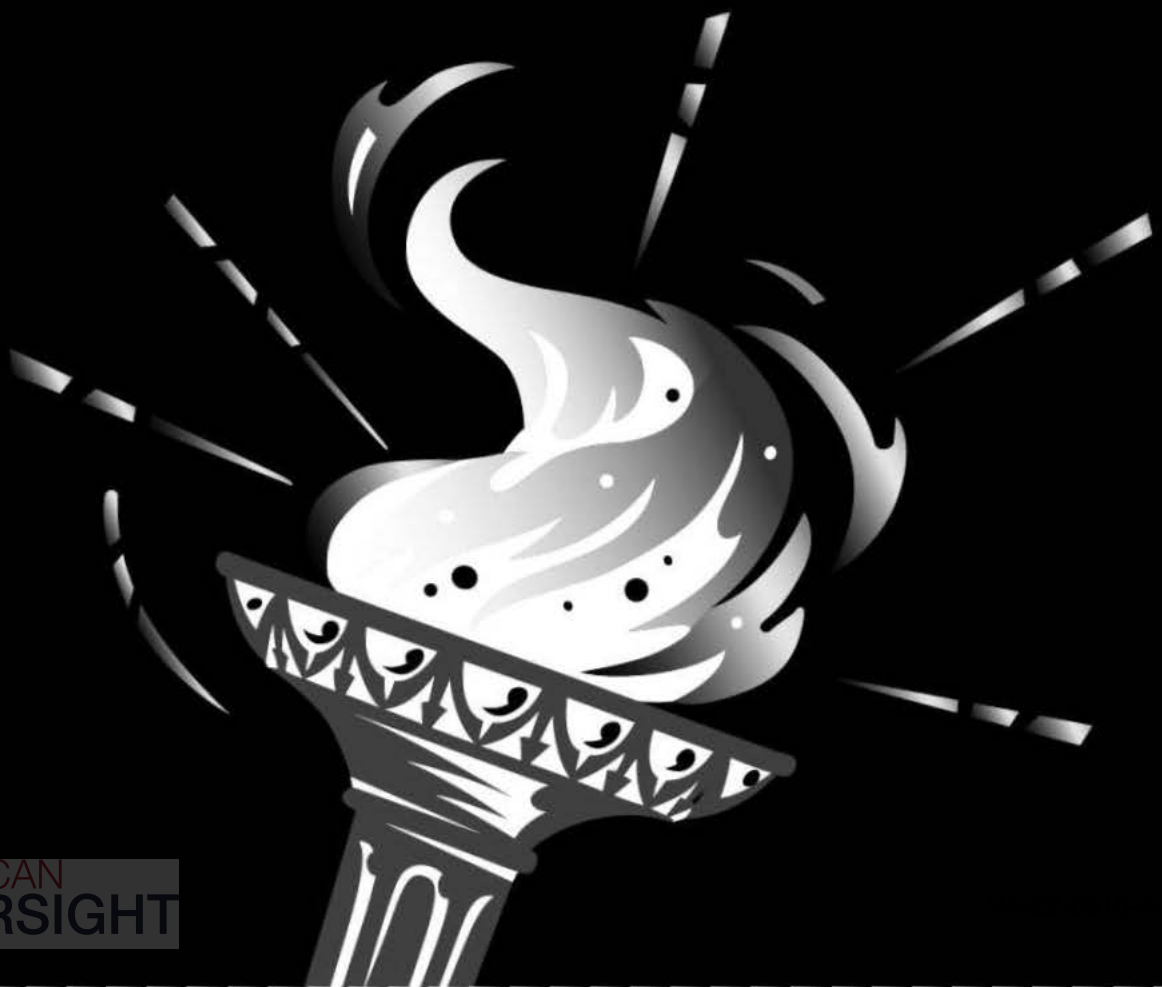
Appreciation is extended to Susan T. Noble, member of the Board of Education and Board of Education Liaison to the Advisory Board on Teacher Education and Licensure, for her contributions in the development of the guidelines. Special thanks also go to James H. Stronge, Heritage Professor, Educational Policy, Planning, and Leadership, School of Education, The College of William and Mary; Pamela Tucker, Assistant Professor, Department of Leadership, Foundations, and Policy, University of Virginia; and Michael DiPaola, Associate Professor, Educational Planning, Policy, and Leadership, School of Education, The College of William and Mary, who served as facilitators for the task force in developing the proposed guidelines.

Questions or inquiries about this document should be directed to Dr. Thomas A. Elliott, Assistant Superintendent, Division of Teacher Education and Licensure, Virginia Department of Education, P. O. Box 2120, Richmond, VA 23218-2120.

AMERICAN OVERSIGHT

VA-22-0316-A-000377

Background



AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Proposed Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents

Proposed Guidelines Developed in Response to Education Accountability and Quality Enhancement Act of 1999 (HB 2710 and SB 1145)

Introduction

The expectations of public education have changed substantially in the last quarter century. Schools and school personnel at all levels must respond in a direct and convincing manner to address rigorous academic expectations for all students. Schools are expected to teach all children, regardless of the level of skills or personal circumstances they present, to a high level of academic achievement for the unfolding information age. In order to succeed in this most important endeavor, schools must modify their standard service delivery model to adapt to individual student learning needs. Everyone from classroom teachers to school division superintendents, must make the learning of every student the priority driving all other professional responsibilities. Teachers must make instruction meaningful and effective for children at all academic levels. Principals must focus the collective efforts of all school personnel on the primary goal of improving student learning. Superintendents and central office personnel must plan and support instructional programs that facilitate student achievement at the school and classroom levels.

The *Education Accountability and Quality Enhancement Act of 1999* (HB 2710, SB 1145) passed by the Virginia General Assembly mandates the development of strategies to recognize and develop these heightened responsibilities of educators. This Act addresses the evaluation and training of teachers, assistant principals, principals, central office personnel, and superintendents, with a primary focus on student achievement and safety. Additionally, the mentoring of new teachers and those experiencing difficulties is included as part of the training continuum for all teachers. Salary supplements for teachers receiving National Board Certification are also part of this legislation, with the intent of recognizing truly exceptional classroom teachers. Collectively, the elements of this legislation offer supportive strategies for educators to become more productive and educationally accountable.

The sections of the *Education Accountability and Quality Enhancement Act* applicable to personnel evaluation are as follows:

Superintendent evaluation: The Board of Education shall develop guidelines for uniform performance standards and criteria to be used by local school boards in evaluating superintendents. These standards and criteria shall include, but not be limited to, assessing teacher and administrator skills and knowledge, improving student academic progress, providing for school safety, and enforcing student discipline. (§22.1-60.1)

Administrator evaluation: Each local school board shall adopt for use by the division superintendent clearly defined criteria for a performance evaluation process for principals, assistant principals, and supervisors that includes, among other things, an assessment of such administrators' skills and knowledge; student academic progress and school gains in student learning; and effectiveness in addressing school safety and enforcing student discipline. (§22.1-294)

Instructional personnel evaluation: School boards shall develop a procedure for use by division superintendents and principals in evaluating instructional personnel that is

AMERICAN OVERSIGHT
VA-22-0316-A-000380

> appropriate to the tasks performed and addresses, among other things, student academic progress and the skills and knowledge of instructional personnel, including, but not limited to, instructional methodology, classroom management, and subject matter knowledge. (§22.1-295)

This document sets forth the basic framework for the educator evaluation component of the *Education Accountability and Quality Enhancement Act.*

Rationale

Evaluation criteria can have powerful symbolic value because they embody the values and expectations of the public regarding the functions of school personnel, particularly regarding teaching and learning. If those criteria are then used as a yardstick to judge the effectiveness of educators, they help to focus assessment efforts on self-growth, instructional effectiveness, and improvement of overall job performance. The use of clear evaluation criteria for teachers, principals, central office administrators, and superintendents serves as a foundation for a fair and comprehensive evaluation system that provides sufficient detail and definition so that educators and their supervisors can reasonably understand job expectations.

The evaluation criteria delineated herein were developed as a direct effort of the Virginia Department of Education to provide meaning and to give substance to the *Education Accountability and Quality Enhancement Act*, based on the collective expertise of the State Advisory Committee selected for this purpose. The Advisory Committee's work was developed with the intent of designing a document that integrates the multiple strands of the accountability reform efforts currently underway in Virginia, including the following key purposes:

- Design evaluation criteria that are consistent with and supportive of Virginia's Standards of Learning and Standards of Accreditation and that encompass other state statutory and policy requirements;
- Develop evaluation criteria that encourage educators and policymakers to focus on performance in key areas of student achievement and safety;
- Create a seamless approach to connecting
  - new employee mentoring
  - job expectations
  - job performance
  - employee evaluation
  - employee professional development (performance improvement)
  - school improvement;
- Clarify expectations for educators who are new to the positions of teacher, assistant principal, principal, central office administrator, and superintendent;
- Provide a context for improving employee performance (e.g., opportunity to describe and discuss performance with supervisors, peers, mentors, and other experienced educators);
- Design evaluation criteria that are consistent with pre-service teacher and administrator preparation programs;
- Provide structure and guidelines that facilitate quality evaluations and encourage consistency across schools and school divisions;
- Provide a structure for focusing improvement efforts within and across Virginia's schools; and
- Focus attention and resources on student learning in a comprehensive and concerted fashion.

AMERICAN OVERSIGHT

VA-22-0316-A-000381

Development Process

To respond to the many provisions of the *Education Accountability and Quality Enhancement Act*, the Virginia Department of Education enlisted the assistance of consultants from The College of William and Mary and the University of Virginia with expertise in the area of personnel evaluation. The consultants provided background research and assistance with development of the evaluation guidelines for consideration by the Department of Education's staff and the State Advisory Committee. The consultants were also charged with reviewing national standards for the evaluation of teachers, principals, and superintendents to provide a solid foundation for the evaluation criteria guidelines to be used in Virginia.[1] In addition, current evaluation criteria used in selected Virginia school divisions and school districts across the country were examined with the purpose of embedding widely respected professional standards in Virginia's evaluation framework while also reflecting the educational priorities set forth by the General Assembly.

The Advisory Committee was composed of superintendents, principals, teachers, professors of education, community members, and representatives of professional organizations that have expertise to offer the process and who hold a vested interest in a well-articulated evaluation system. The committee met during the summer and fall of 1999 to offer direction in the development process and reactions to proposed evaluation criteria. Based on guidance from the committee and the Department of Education, this document was developed.

Intended Use

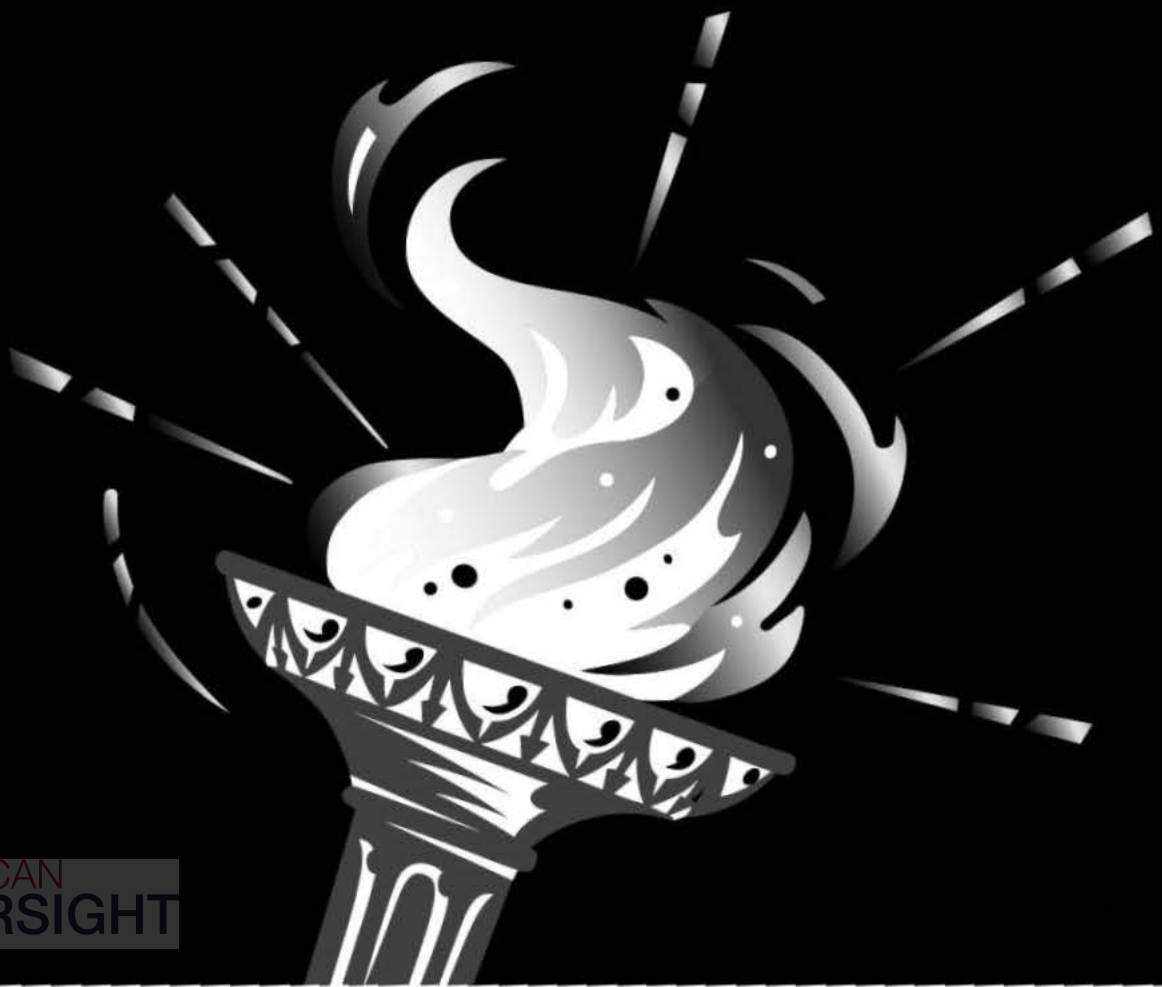
As set forth in the *Education Accountability and Quality Enhancement Act*, these evaluation criteria are intended to provide guidance for local school boards to consider in the development of evaluation policies and procedures for superintendents, building and central office administrators, and teachers. They are intended to reflect the priorities of the Board of Education and provide recommended guidelines for use in school divisions; however, they are not intended to be prescriptive in nature.

1 *Primary professional association standards consulted in the design of this work included those of the American Association for School Administrators, the Interstate School Leaders Licensure Consortium, and the Interstate New Teacher Assessment and Support Consortium*.

AMERICAN OVERSIGHT
VA-22-0316-A-000382

AMERICAN OVERSIGHT
VA-22-0316-A-000383

Evaluation Criteria for Teachers, Administrators, and Superintendents



AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Evaluation Criteria for Teachers, Administrators, and Superintendents

Introduction to the Evaluation Criteria

The *Education Accountability and Quality Enhancement Act of 1999* requires the development of "defined criteria for a performance evaluation process" for teachers, principals, assistant principals, supervisors, and division superintendents. During the development process, the Advisory Committee agreed that sets of evaluation criteria were necessary for three distinct roles: a) teacher; b) principal, assistant principal, and supervisor; and c) division superintendent. While there are differences in the roles of principals, assistant principals, and central office supervisors for instruction, the committee found that their actual job responsibilities often are similar, varying in scope but not substantially in content. As a result, a common set of evaluation criteria was written for the principal, assistant principal, and central office supervisor. They are referred to collectively as the "Administrator" criteria.

The framework for evaluation criteria is organized by five major categories that reflect primary responsibilities of educational personnel. The five general categories for division superintendents, administrators (principals, assistant principals, and supervisors), and teachers are listed below. While they are substantially similar, they differ where necessary to reflect the scope and focus of the work for each position.

Descriptions of Major Categories

1. **Planning and Assessment.** For teachers, this category includes the responsibilities for evaluating and providing students with feedback that encourages student progress and measures student achievement. Based on a variety of assessments, content knowledge, and student knowledge, the teacher plans appropriate instruction.

   For administrators and superintendents, this category includes responsibilities for assessing instructional programs and personnel and for planning responsive improvement plans to promote student learning.

2. **Instruction.** For teachers, this category encompasses the critical skills that determine the quality of classroom instruction. The major responsibilities include implementing a variety of activities consistent with instructional objectives and selecting instructional methods compatible with students' abilities, prior knowledge, and learning styles.

   For administrators and superintendents, this category is termed **Instructional Leader-**

Major Categories of Evaluation Criteria

Teachers

- Planning and Assessment
- Instruction
- Safety and Learning Environment
- Communication and Community Relations
- Professionalism

Administrators and Superintendents

- Planning and Assessment
- Instructional Leadership
- Safety and Organizational Management for Learning
- Communication and Community Relations
- Professionalism

AMERICAN OVERSIGHT
VA-22-0316-A-000386

ship and focuses on the support and leadership provided in the areas of personnel, curriculum, and staff development for the explicit purpose of enhancing instructional programs.

3. **Safety and Learning Environment.** The category of safety and learning environment includes the teachers' responsibilities for planning and demonstrating effective routines and procedures that create an organized and positive learning environment.

   For administrators and superintendents, this category is called **Safety and Organizational Management for Learning** and refers to responsibilities for the management and oversight of the organization's operations and climate, with particular attention to ensuring safety and meaningful student learning.

4. **Communication and Community Relations.** The category of communication and community relations describes the responsibilities of teachers to use effective communication strategies in working with students, parents, and members of the community to promote broad support for student learning.

   For administrators and superintendents, this category refers to the use of a systematic method of two-way communication to promote understanding, support, and continuous improvement of the organization's programs and services within schools and the larger community.

5. **Professionalism.** This final category speaks to the basic responsibilities of all professional educators and defines the responsibilities for demonstrating a commitment to professional ethics and growth and for complying with school divisions' policies and procedures.

Definition of Evaluation Criteria

The framework for the evaluation criteria of the three professional roles of teacher, administrator, and division superintendent is defined using a three-tiered description:

- Major Categories of Evaluation Criteria,
- Evaluation Criteria, and
- Performance Indicators.

The three levels of specificity are intended to describe the responsibilities of each role with sufficient detail and accuracy so that teachers, administrators, and superintendents can reasonably understand the job expectations. The major categories of evaluation criteria described above are further defined with specific evaluation criteria listed in the next three sections, one for each role. In addition to the evaluation criteria, sample performance indicators are provided in Appendix A for teachers, Appendix B for administrators, and Appendix C for superintendents.

TEACHER Evaluation Criteria

Planning and Assessment

- **The teacher** designs coherent instruction based upon knowledge of subject matter, students, the community, and curriculum goals.
- **The teacher** plans instruction to achieve desired objectives that reflect the Virginia Standards of Learning and division curriculum guidelines.
- **The teacher** diagnoses individual, group, and program needs and selects appropriate materials and resources to match the abilities and needs of all students.

AMERICAN OVERSIGHT

VA-22-0316-A-000387

- **The teacher** uses a variety of assessment strategies and instruments to make both short-term and long-range instructional decisions to improve student learning.

- **The teacher** identifies and communicates specific student performance expectations and documents student learning gains using appropriate assessment instruments.

Instruction

- **The teacher** understands the central concepts, tools of inquiry, and structures of the discipline he or she teaches and creates learning experiences that make the subject matter meaningful for all students.

- **The teacher** understands how students differ in their approaches to learning and is able to differentiate instruction to meet diverse student needs.

- **The teacher** uses comprehensive materials, technology, and resources that promote the development of critical thinking, problem solving, and performance skills.

- **The teacher** selects, evaluates, and refines a variety of teaching methods and instructional strategies for the active engagement of students and improvement of student learning.

Safety and Learning Environment

- **The teacher** actively implements a discipline policy that fosters a safe and positive environment for students and staff.

- **The teacher** manages classroom procedures to maximize academic learning time.

- **The teacher** establishes and maintains rapport with students.

- **The teacher** creates a supportive learning environment for all students that encourages social interaction, active engagement in learning, and self-motivation.

Communication and Community Relations

- **The teacher** uses effective verbal, nonverbal, and media communication techniques to foster positive interactions in the classroom.

- **The teacher** forges partnerships with families to promote student learning at home and in the school.

- **The teacher** works collaboratively with staff, families, and community resources to support the success of a diverse student population.

Professionalism

- **The teacher** models professional, moral, and ethical standards as well as personal integrity in all interactions.

- **The teacher** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

- **The teacher** works in a collegial and collaborative manner with peers, school personnel, and the community to promote and support student learning.

- **The teacher** provides service to the profession, the division, and the community.

AMERICAN OVERSIGHT
VA-22-0316-A-000388

ADMINISTRATOR

Evaluation Criteria: Principals, Assistant Principals, and Central Office Instructional Personnel

Planning and Assessment

- **The administrator** effectively employs various processes for gathering, analyzing, and using data for decision making.
- **The administrator** collaboratively develops and implements a school improvement plan that results in increased student learning.
- **The administrator** plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.
- **The administrator** develops plans for effective allocation of fiscal and other resources.

Instructional Leadership

- **The administrator** communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.
- **The administrator** supervises the alignment, coordination, and delivery of assigned programs and/or curricular areas.
- **The administrator** selects, inducts, supports, evaluates, and retains quality instructional and support personnel.
- **The administrator** provides staff development programs consistent with program evaluation results and school instructional improvement plans.
- **The administrator** identifies, analyzes, and resolves problems using effective problem-solving techniques.

Safety and Organizational Management for Learning

- **The administrator** maintains effective discipline and fosters a safe and positive environment for students and staff.
- **The administrator** effectively coordinates the daily operation of the assigned area of responsibility.
- **The administrator** effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.
- **The administrator** demonstrates effective organizational skills to achieve school, community, and division goals.

Communication and Community Relations

- **The administrator** promotes effective communication and interpersonal relations with students and staff.
- **The administrator** promotes effective communication and interpersonal relations with parents and other community members.
- **The administrator** works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

AMERICAN OVERSIGHT
VA-22-0316-A-000389

Professionalism

- **The administrator** models professional, moral, and ethical standards as well as personal integrity in all interactions.
- **The administrator** works in a collegial and collaborative manner with other administrators, school personnel, and the community to promote and support the mission and goals of the school division.
- **The administrator** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.
- **The administrator** provides service to the profession, the division, and the community.

SUPERINTENDENT
Evaluation Criteria

Planning and Assessment

- **The superintendent** effectively employs various processes for gathering, analyzing, and using data for decision making.
- **The superintendent** organizes the collaborative development and implementation of a division strategic plan based on analysis of data from a variety of sources.
- **The superintendent** plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.
- **The superintendent** develops plans for effective allocation of fiscal and other resources.

Instructional Leadership

- **The superintendent** communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.
- **The superintendent** oversees the alignment, coordination, and delivery of assigned programs and/or curricular areas.
- **The superintendent** selects, inducts, supports, evaluates, and retains quality instructional and support personnel.
- **The superintendent** provides staff development programs consistent with program evaluation results and school instructional improvement plans.
- **The superintendent** identifies, analyzes, and resolves problems using effective problem-solving techniques.

Safety and Organizational Management for Learning

- **The superintendent** actively supports a safe and positive environment for students and staff.
- **The superintendent** develops procedures for working with the board of education that define mutual expectations, working relationships, and strategies for formulating division policies.
- **The superintendent** effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.
- **The superintendent** demonstrates effective organizational skills to achieve school, community, and division goals.

AMERICAN OVERSIGHT
VA-22-0316-A-000390

Communication and Community Relations

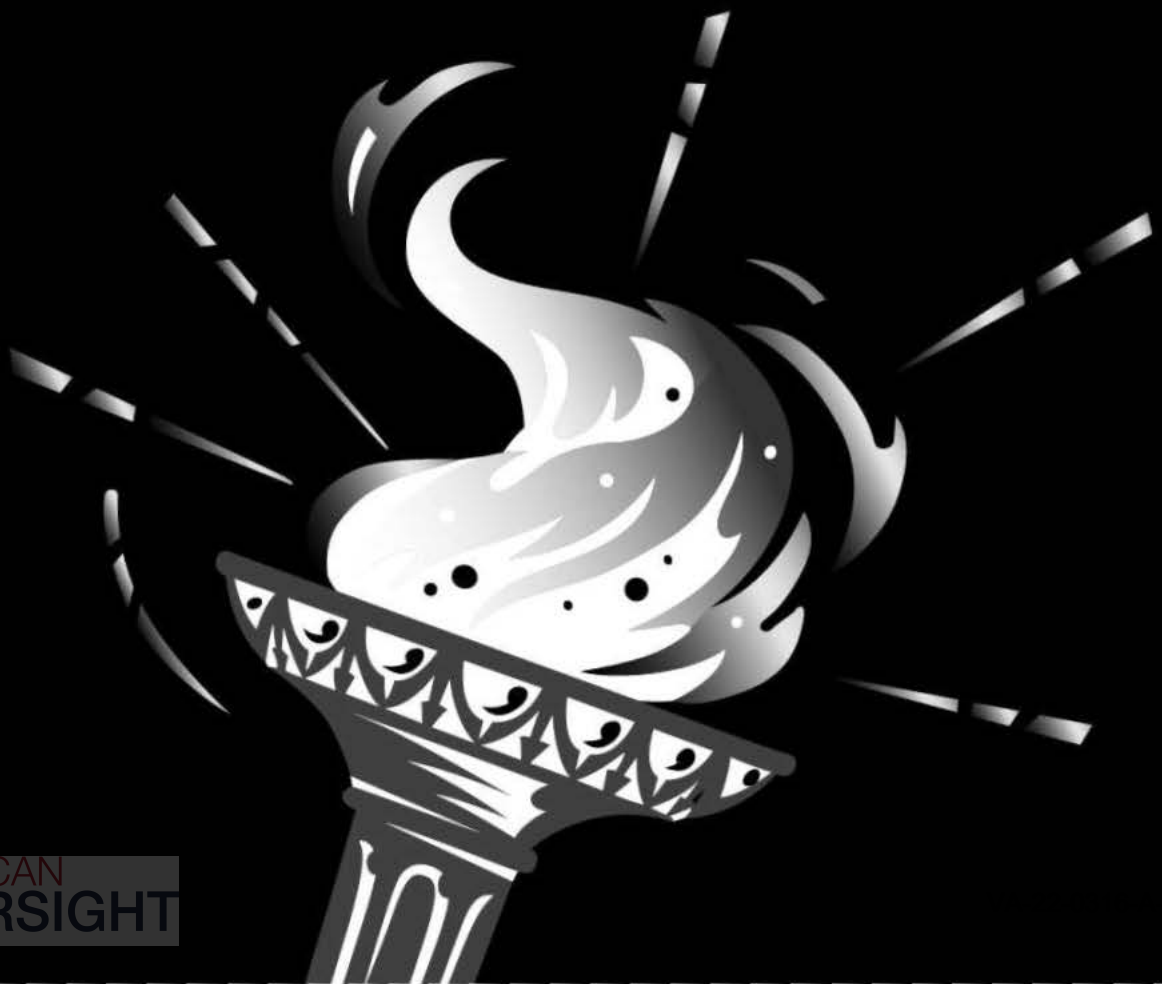
- **The superintendent** promotes effective communication and interpersonal relations within the school division.
- **The superintendent** establishes and maintains effective channels of communication with board members and between the schools and community, strengthening support of constituencies and building coalitions.
- **The superintendent** works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Professionalism

- **The superintendent** models professional, moral, and ethical standards as well as personal integrity in all interactions.
- **The superintendent** works in a collegial and collaborative manner with school personnel and the community to promote and support the mission and goals of the school division.
- **The superintendent** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.
- **The superintendent** provides service to the profession, the division, and the community.

AMERICAN OVERSIGHT
VA-22-0316-A-000391

Recommendations for Implementation



AMERICAN OVERSIGHT

Recommendations for Implementation

Next Steps for Use by Local School Divisions

Local school boards must become familiar with their responsibilities as specified by the *Education Accountability and Quality Enhancement Act of 1999* and devise an implementation plan for compliance. One section of the Act (§22.1-294 B.) requires the adoption of "defined criteria for a performance evaluation process" for professional educators. The evaluation criteria recommended in this document may be modified or used as is by local school divisions to achieve that goal. School divisions are urged to consider their organizational goals and review their policy on evaluation carefully before proceeding with a review of their evaluation system and criteria. Policy should reflect organizational goals, and division goals should shape the job descriptions for all employees within the division. Using job descriptions as a starting point, the evaluation criteria offered in these guidelines then can be used to define further the expectations of teachers, principals, assistant principals, supervisors, and school superintendents.

If guidelines are used to modify existing personnel evaluation system:

- Review these guidelines for consistency with local policy for personnel evaluation, stated purposes of evaluation, and substance of existing evaluation criteria.
- Make modifications to the existing evaluation system based on the requirements of the *Education Accountability and Quality Enhancement Act of 1999*, these guidelines, and local needs.
- Give special consideration to the integration of student learning measures in the evaluation of professional educators.

If guidelines are used to develop new personnel evaluation system:

- Review guidelines for consistency with local policy for personnel evaluation and stated purposes of evaluation.
- Consider evaluation criteria and descriptors based on job descriptions.
- Modify evaluation criteria and descriptors to reflect local goals, job descriptions, and priorities.
- Select appropriate information collection strategies such as
  - observations - scheduled/unscheduled, in class/other arenas;
  - client surveys - students, parents, peers;
  - review of documents - lesson plans, grade books, parent communication, etc.;
  - goal statements and evidence of achievement;
  - miscellaneous - discipline referrals, test results, knowledge of professional contributions, community support;
  - measures of student learning.
- Delineate a schedule for information collection and evaluation reports, including
  - differentiation for tenured and non-tenured professionals,
  - number and timing of information collection strategies,

AMERICAN OVERSIGHT
VA-22-0316-A-000394

- calendar for administering evaluation system with deadlines for evaluation summaries.

- Develop a rating scale for judging performance, including
  - choice of terms,
  - definition of terms.
- Define a performance improvement process for professional educators identified as needing remedial assistance.
- Develop necessary guidelines and forms, including
  - observation forms,
  - client survey forms,
  - interim evaluation forms,
  - summative evaluation forms,
  - improvement assistance plan.

Recommendations for Integrating Student Learning in Educator Evaluation[2]

1. *Use student learning as only one component in an educator evaluation system that is based on multiple data sources.*

Measures of student learning are vitally important in judging the effectiveness of teachers, administrators, and superintendents, but they should never serve as the sole source for evaluating performance. Rather, multiple sources of information should be considered in order that a more complete picture of performance can be developed. Such multiple data sources might include formal and informal observations, client surveys, artifacts of performance, goal setting, and other relevant sources of performance information. Student learning measures should be considered in conjunction with these other sources to provide a full and comprehensive portrait of the educator's performance.

2. *When judging educator effectiveness, consider the context in which schooling occurs.*

There are circumstances in which educators have done everything possible to enhance student learning, but conditions beyond their control prevent maximum learning benefits by students. Thus, consideration should be given to student mobility, absenteeism, and other variables beyond the control of the educator. The entire system of support, including staff training, availability of mentors, conducive work spaces, instructional resources, community support, and other important matters cannot be overlooked in attributing responsibility for learning.

---

2 *These recommendations are adapted from: Stronge, J. H., & Tucker, P. D. (2000). Teacher evaluation and student achievement. Washington, DC: National Education Association.*

AMERICAN OVERSIGHT
VA-22-0316-A-000395

3. Use measures of student growth versus a fixed achievement standard or goal.

Very few human endeavors are judged in terms of fixed goals; more typically, they are based on growth and progress toward stated goals. Even in the hard-nosed world of business, performance is judged based on a variety of economic indicators and comparisons to projected growth. The same paradigm should be used in education, with an acknowledgment of learning inhibitors and comparisons to projected learning growth. This approach requires the use of pre- and post-testing to determine progress rather than the attainment of predetermined pass rates or proficiency levels. While there is a place and purpose for fixed standards, such as learning to read at an acceptable level, fixed standards must be regarded skeptically when applied to personnel evaluation.

4. Compare learning gains from one point in time to another for the same students, not different groups of students.

If teachers, administrators, and superintendents are to be held accountable for student learning, then it is critical that patterns of student learning be established - not single snapshots. Repeated measures of student learning over time enhance reliability from a statistical point of view and credibility from a decision-making perspective.

5. Use fair and valid measures of student learning.

If student learning measures are to be used for the evaluation of educators, then they must conform to professional standards of practice. Specifically, the use of student assessment measures in evaluating educator performance should be

- ***valid.*** "Any measure of student performance, whether used for formative or summative evaluation, should be sensitive to (be able to detect) the impacts of what teachers and schools do; that is, measures of student learning should have instructional validity. If they do not ... then it would be hard to justify their use for either teacher or school evaluation of any kind."[3]

- ***reliable.*** The assessment measure should produce adequately consistent (i.e., reliable) results across time and across scorers. One of the key issues to consider when making decisions about educator performance is inter-rater reliability among evaluators.

- ***free from bias.*** Student achievement data should be used in an objective, fair, and impartial manner, and should not be interpreted or used capriciously.

- ***comparable.*** No educator "... should be disadvantaged compared with any other based on factors beyond their control."[4]

3 *McConney, A. A., Schalock, M. D., & Schalock, H. D. (1997), page 177.*

4 *McConney, A. A., Schalock, M. D., & Schalock, H. D. (1997), page 178.*

AMERICAN OVERSIGHT
VA-22-0316-A-000396

References

American Asssociation of School Administrators. (1993). *Professional standards for the superintendency.* Alexandria, VA: Author.

Council of Chief State School Officers. (1996, November 2). *Interstate School Leadership Licensure Consortium: Standards for School Leaders.* Washington, DC: Author.

Interstate New Teacher Assessment and Support Consortium. (1991). *Model standards for beginning teacher licensing and development: A resource for state dialogue* (Working draft). Washington, DC: Council of Chief State School Officers.

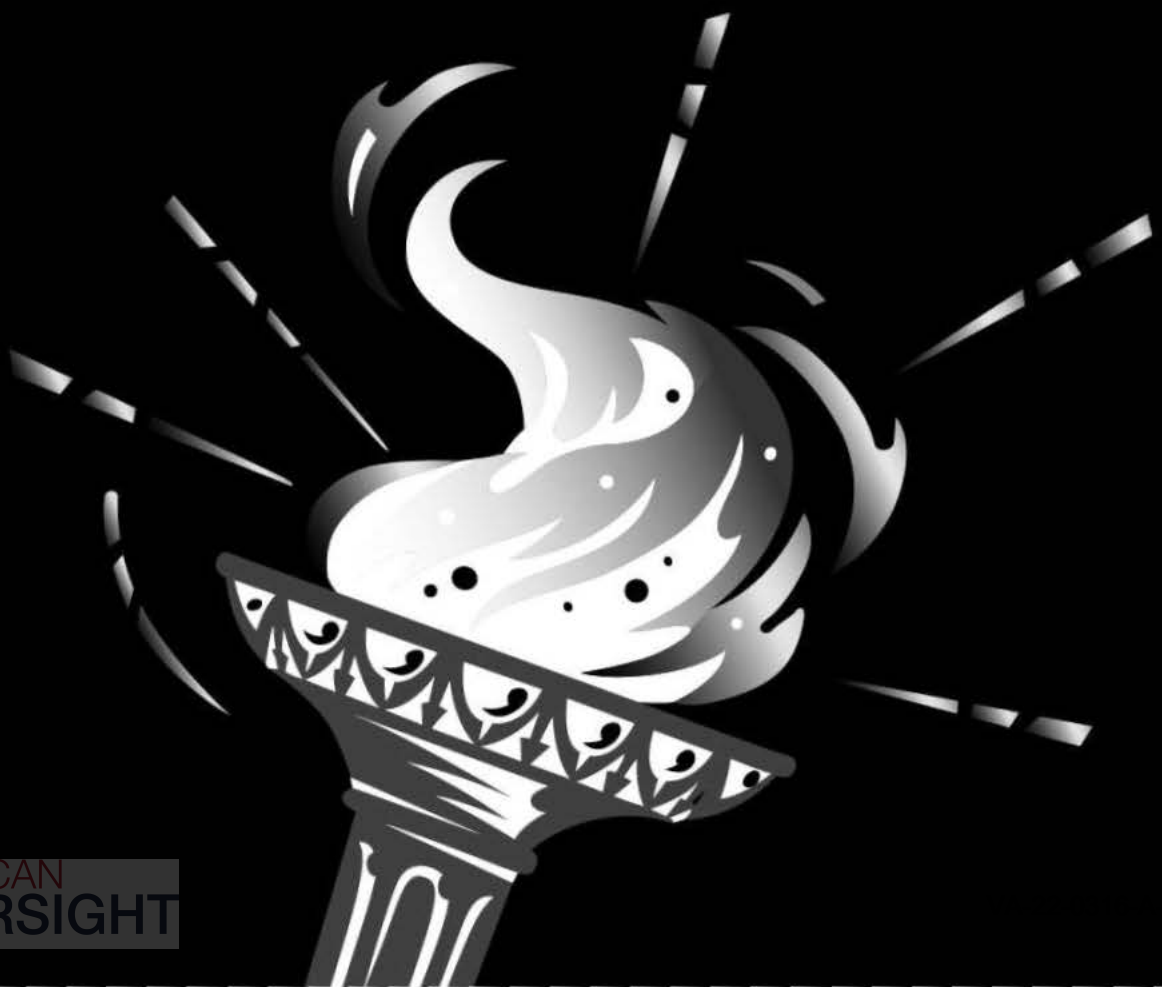
McConney, A. A., Schalock, M. D., & Schalock, H. D. (1997). Indicators of student learning in teacher evaluation. In J. H. Stronge (Ed.), *Evaluating teaching: A guide to current thinking and best practice* (pp. 162-192). Thousand Oaks, CA: Corwin Press.

Stronge, J. H., & Tucker, P. D. (2000). *Teacher evaluation and student achievement.* Washington, DC: National Education Association.

AMERICAN OVERSIGHT

VA-22-0316-A-000397

Appendices



AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Appendix A

Teacher Evaluation Criteria and Performance Indicators

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The teacher designs coherent instruction based upon knowledge of subject matter, students, the community, and curriculum goals.

Sample Performance Indicators:

The teacher...

- bases instruction on goals that reflect high expectations, conceptual understanding of the subject, and the importance of learning.
- matches content/skills taught to overall curriculum scope and sequence.
- uses assessment feedback to monitor and adjust instruction.
- links objectives for instruction to prior student learning.
- reflects the goals and needs of the school and community in planning.
- uses available resources to link student learning to the community.

The teacher plans instruction to achieve desired objectives that reflect the Virginia Standards of Learning and division curriculum guidelines.

Sample Performance Indicators:

The teacher...

- selects appropriate student objectives for lessons consistent with division guidelines and the Virginia Standards of Learning.
- designs appropriate learning activities that are clearly connected to instructional objectives.
- develops lesson plans that are clear, logical, and sequential.

The teacher diagnoses individual, group, and program needs and selects appropriate materials and resources to match the abilities and needs of all students.

Sample Performance Indicators:

The teacher...

- plans instruction appropriate to the developmental level and needs of students.
- demonstrates knowledge of resources and methods appropriate to serving students with special learning needs.
- arranges/adapts classroom setting to accommodate individual and group learning needs.
- assists students in planning, organizing, and preparing for assignments, long-range projects, and tests.
- is sensitive and responsive to the diversity of individuals and groups within the classroom.

AMERICAN OVERSIGHT

VA-22-0316-A-000400

The teacher uses a variety of assessment strategies and instruments to make both short-term and long-range instructional decisions to improve student learning.

Sample Performance Indicators:

The teacher...

- monitors student understanding on an ongoing basis and adjusts teaching when necessary.
- utilizes multiple assessment practices congruent with instructional goals both in content and process.
- effectively uses both teacher-made and standardized tests as appropriate.
- uses student products as a source for assessment and instructional decisions.
- demonstrates competence in the use of acceptable grading/ranking/scoring practices in recording and reporting student achievement.
- maintains and uses organized records of student progress for instructional decisions.

The teacher identifies and communicates specific student performance expectations and documents student learning gains using appropriate assessment instruments.

Sample Performance Indicators:

The teacher...

- communicates clear expectations for learning and behavior to students and parents.
- uses pre-assessment data in developing expectations for students and as a basis for documenting learning gains.
- provides prompt and meaningful feedback to students about performance and progress.
- prepares tests that reflect the academic content studied.
- provides opportunities for students to contribute to the development of criteria and standards as appropriate.
- incorporates strategies to prepare students for SOL and standardized testing.

Instruction

The teacher understands the central concepts, tools of inquiry, and structures of the discipline he or she teaches and creates learning experiences that make the subject matter meaningful for all students.

Sample Performance Indicators:

The teacher...

- communicates a belief that all students can learn.
- exhibits an understanding of and facility in explaining the subject area(s) taught.
- uses appropriate literature and current resources and materials in the subject area(s).
- encourages the academic curiosity and critical thinking of students.
- modifies instruction to make topics relevant to students' lives and experiences.
- demonstrates ability to engage and maintain students' attention and to recapture or refocus it as necessary.
- provides clear and concise explanations of lessons.
- checks for understanding with questions, review activities, and various assessment strategies.

AMERICAN OVERSIGHT

VA-22-0316-A-000401

The teacher understands how students differ in their approaches to learning and is able to differentiate instruction to meet diverse student needs.

Sample Performance Indicators:

The teacher...

- selects materials and media that match learning styles of individual students.
- provides for the instructional needs of all students, including remedial and enrichment/ extension activities as necessary.
- utilizes flexible grouping practices to respond to the diverse learning needs of students.
- collaborates with resource teachers in developing activities for students with special learning needs.
- encourages students to build on strengths while developing all areas of competence.
- paces instruction appropriately with adequate preview and review of instructional components.
- uses a variety of teaching strategies, including cooperative, peer and project-based learning, audiovisual presentations, lecture, discussions and inquiry, practice and application, and the teaching of others.
- demonstrates respect for individual, cultural, religious, and racial differences of individuals and groups within the classroom.

The teacher uses comprehensive materials, technology, and resources that promote the development of critical thinking, problem solving, and performance skills.

Sample Performance Indicators:

The teacher...

- evaluates curricular materials for accuracy, currency, and student interest.
- provides students with materials and media that are appropriate and challenging for their instructional levels.
- encourages and guides the development of problem-solving skills and independent thinking in students.
- utilizes available technological materials and resources effectively to engage students in varied learning experiences.
- provides opportunities for guided practice and hands-on technology application.
- demonstrates competence in the Technology Standards for Instructional Personnel.

The teacher selects, evaluates, and refines a variety of teaching methods and instructional strategies for the active engagement of students and improvement of student learning.

Sample Performance Indicators:

The teacher...

- solicits comments, questions, examples, and other contributions from students throughout lessons.
- uses questioning strategies effectively.
- provides opportunities for guided and independent practice.
- responds positively to student questions and active engagement.

AMERICAN OVERSIGHT

VA-22-0316-A-000402

- implements instructional opportunities in which students are interacting with ideas, materials, teachers, and one another.
- reteaches material and/or accelerates instruction based on assessment to pace instruction appropriately for interest and engagement.
- implements curriculum experiences to encourage students to reflect on and take increasing responsibility for their own learning.

Safety and Learning Environment

The teacher actively implements a discipline policy that fosters a safe and positive environment for students and staff.

Sample Performance Indicators:

The teacher...

- establishes effective classroom rules and procedures.
- communicates clear expectations about behavior to students and parents.
- implements and enforces disciplinary procedures with fairness and consistency.
- encourages students in developing self-discipline and conflict resolution skills.
- recognizes and celebrates the achievements of students and staff.
- is knowledgeable of and complies with local, state, and federal safety regulations.
- manages emergency situations as they occur.

The teacher manages classroom procedures to maximize academic learning time.

Sample Performance Indicators:

The teacher...

- plans purposeful assignments for teacher assistants, substitute teachers, student teachers, and others to ensure continuous student engagement in learning.
- structures transitions in an efficient and constructive manner.
- creates and maintains a physical setting that minimizes disruption and promotes learning and safety.
- handles administrative routines quickly and efficiently.
- has all material readily available to allow for the smooth flow of instruction.

The teacher establishes and maintains rapport with students.

Sample Performance Indicators:

The teacher...

- treats students with respect.
- communicates personal enthusiasm for learning.
- models caring, fairness, humor, courtesy, respect, and active listening.
- demonstrates concern for students' emotional and physical well-being.
- seeks and uses information about student interests and opinions.
- develops and maintains positive interactions with students in all school settings.

AMERICAN OVERSIGHT
VA-22-0316-A-000403

The teacher creates a supportive learning environment for all students that encourages social interaction, active engagement in learning, and self-motivation.

Sample Performance Indicators:

The teacher...

- encourages students to respect themselves and others.
- communicates clear expectations for appropriate interactions among students.
- models enthusiasm for and engagement in learning.
- encourages students to take pride in good work.
- enhances students' feelings of self-worth.
- incorporates principles of equal opportunity and non-discrimination into classroom management.
- provides equitable opportunities for student learning.
- promotes multicultural awareness, gender sensitivity, and the appreciation of diversity within the classroom.

Communication and Community Relations

The teacher uses effective verbal, nonverbal, and media communication techniques to foster positive interactions in the classroom.

Sample Performance Indicators:

The teacher...

- uses precise language, correct vocabulary and grammar, and acceptable forms of oral and written expression.
- articulates clear learning goals and instructional procedures to students.
- gives directions that are clear and reasonable and contain an appropriate level of detail.
- uses a variety of media communication tools to enrich learning opportunities.
- models effective communication strategies in conveying ideas and information.
- provides support for student expression in speaking, writing, and other media.

The teacher forges partnerships with families to promote student learning at home and in the school.

Sample Performance Indicators:

The teacher...

- responds promptly to parental concerns.
- demonstrates flexibility in planning meetings with parents.
- promotes parental involvement in the classroom and school.

AMERICAN OVERSIGHT
VA-22-0316-A-000404

- shares major instructional goals for the year with parents.
- initiates communication with parents or guardians concerning student progress or problems in a timely manner.
- establishes regular channels of communication between school and home.
- offers strategies for parents to assist in their children's education.

The teacher works collaboratively with staff, families, and community resources to support the success of a diverse student population.

Sample Performance Indicators:

The teacher...

- is sensitive to the social and cultural background of students and parents.
- uses multiple modes of communication to provide information to parents.
- encourages parent and community involvement in classroom activities.
- collaborates with staff, families, and community members to respond to identified needs of individual students and groups of students.
- promotes the value of understanding and celebrating school/community cultures.
- supports community partnerships and uses community resources to enhance learning.
- works with community members in carrying out school and community-sponsored functions.

Professionalism

The teacher models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The teacher...

- relates to colleagues, parents, and others in an ethical and professional manner.
- represents the school/program favorably in the school division/community.
- uses acceptable written and oral language.
- resolves concerns and problems in a constructive manner.
- maintains confidentiality appropriate to teaching assignment.
- maintains a professional demeanor and appearance.
- works in the best interest of the students, the school, and the community.

The teacher takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The teacher...

- participates in professional growth activities including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.

AMERICAN OVERSIGHT
VA-22-0316-A-000405

- evaluates and identifies areas of personal strength and weakness related to professional skills and their effect on student learning and sets goals for improvement of skills and professional performance.

- maintains a high level of personal knowledge regarding new developments and techniques, including technology, in the field of professional specialization.

- comprehends and applies current literature that enhances knowledge of educational issues, trends, and practices.

- collaborates with colleagues to improve and enhance instructional knowledge and skills.

- maintains proper licensure and certification.

The teacher works in a collegial and collaborative manner with peers, school personnel, and the community to promote and support student learning.

Sample Performance Indicators:

The teacher...

- demonstrates flexibility and a collaborative attitude in supporting co-workers/work team.

- maintains effective working relationships with other teachers.

- works collaboratively with other staff members to plan for individual student learning and alignment of goals and standards across classrooms and grade levels.

- makes a positive contribution to the overall climate of the school and division.

- supports school and division-wide programs and activities.

- considers the interests and needs of other teachers and community stakeholders in promoting and supporting district goals and services.

- shares ideas and information with other teachers, school personnel, and community stakeholders.

The teacher provides service to the profession, the division, and the community.

Sample Performance Indicators:

The teacher...

- serves on school, division, state, and/or national committees.

- maintains an active role in professional and community organizations.

- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.

- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.

- organizes, facilitates, and presents at local, state and/or national conferences.

- supports and participates in efforts to align school and division goals and activities with community endeavors.

AMERICAN OVERSIGHT
VA-22-0316-A-000406

Appendix B

Administrator Evaluation Criteria and Performance Indicators

(Principals, Assistant Principals, and Central Office Instructional Personnel)

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The administrator effectively employs various processes for gathering, analyzing, and using data for decision making.

Sample Performance Indicators:

The administrator...

- applies current research related to effective techniques for gathering data from individuals, groups, and programs.
- gathers and analyzes data on student academic achievement through standardized test results and other student performance sources.
- identifies strengths and weaknesses in programs and practices to facilitate continuous improvement.
- applies and communicates statistical findings.
- plans and implements changes in programs and/or curricula based on data.
- conducts annual analyses of school's test and subtest scores by grade and discipline.

The administrator collaboratively develops and implements a school improvement plan that results in increased student learning.

Sample Performance Indicators:

The administrator...

- ensures the development and implementation of a biennial school plan approved by the superintendent.
- works collaboratively with faculty and staff to develop a vision and mission consistent with the division strategic plan.
- supports the mission by identifying, articulating, and planning to meet the educational needs of students, staff, and other stakeholders.
- works collaboratively to develop long- and short-range goals and objectives consistent with needs assessment data.
- evaluates the effects of changes on student achievement and provides feedback on goal achievement and needs for improvement.
- keeps abreast of current literature regarding school reform.
- supports staff through the stages of the change process.
- maintains stakeholders' focus on long-range mission and goals throughout the implementation process.

AMERICAN OVERSIGHT

VA-22-0316-A-000407

The administrator plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement in the Standards of Learning.

Sample Performance Indicators:

The administrator...

- demonstrates a working knowledge and understanding of the Standards of Learning and school division curricular requirements.
- articulates curricular goals and objectives to staff and other stakeholders.
- assists with the development of a comprehensive curriculum utilizing goals and objectives in alignment with the Standards of Learning.
- works with staff to plan, implement, evaluate, and revise the curriculum on a systematic and ongoing basis.
- demonstrates knowledge of and applies current research related to best practices in curriculum and instruction.
- provides resources and materials to accomplish instructional goals for all students.
- facilitates programs/curricular changes to meet state or federal requirements.
- monitors and assesses the effect of the programs and/or curricula on student achievement.
- implements division testing program for students.
- uses varied assessment data to ensure that instructional programs are responsive to students' academic needs.

The administrator develops plans for effective allocation of fiscal and other resources.

Sample Performance Indicators:

The administrator...

- meets and works collaboratively with appropriate staff to determine budget needs and priorities.
- prioritizes budget requests to meet the needs of assigned curriculum/program(s).
- meets and works collaboratively with appropriate staff to determine priorities for effective allocation of space as well as human and other resources.
- monitors and assesses resource allocation.
- revises resource allocation plans based on implementation data.

Instructional Leadership

The administrator communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.

Sample Performance Indicators:

The administrator...

- articulates a vision and works collaboratively to develop a mission and programs consistent with the division's strategic plan.
- emphasizes positive student achievement and continuous improvement.
- analyzes current academic achievement and teaching methods to make appropriate educational decisions and improve classroom instruction.

AMERICAN OVERSIGHT
VA-22-0316-A-000408

- monitors the delivery of appropriate remediation and intervention for students.
- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.
- shares evaluation data and subsequent plans for continuous improvement with staff, students, and other stakeholders.
- commits resources to the achievement of the mission and goals.
- demonstrates strong motivation and high standards and models self-evaluation.
- communicates commitment to protecting academic instructional time.
- recognizes, encourages, and celebrates excellence among staff and students.

The administrator supervises the alignment, coordination, and delivery of assigned programs and/or curricular areas.

Sample Performance Indicators:

The administrator...

- works with staff to develop a written plan for the coordination and articulation of curricular goals.
- meets and works with staff on a regular basis to identify needs and determine priorities regarding program delivery.
- provides direction and support in planning and implementing activities and programs consistent with continuous improvement efforts and attainment of instructional goals.
- monitors coordination of instructional programs with state and local standards.
- demonstrates and applies knowledge of effective instructional models and strategies.
- identifies best instructional practices for student groups with identified needs.
- provides instructional resources, materials, training, and support to accomplish instructional goals.

The administrator selects, inducts, supports, evaluates, and retains quality instructional and support personnel.

Sample Performance Indicators:

The administrator...

- maintains and disseminates a current handbook of personnel policies and procedures.
- establishes and uses selection procedures that ensure fairness and equity in selecting the best candidates.
- makes recommendations regarding personnel decisions consistent with established policies and procedures.
- establishes and implements formal and informal induction procedures to promote assistance for and acceptance of new employees.
- sets high standards for staff performance.
- evaluates performance of personnel consistent with division policies, provides formal and informal feedback, and maintains accurate evaluation records.
- evaluates instructional alignment with the Standards of Learning to ensure students' successful attainment of the knowledge and skills indicated.
- evaluates classroom practices and methods for improvement of instruction.

AMERICAN OVERSIGHT
VA-22-0316-A-000409

- provides support and resources for staff to improve job performance, and recognizes and supports the achievements of highly effective staff members.

The administrator provides staff development programs consistent with program evaluation results and school instructional improvement plans.

Sample Performance Indicators:

The administrator...

- leads the development and implementation of a systematic professional development plan for individuals and for the school.
- involves school staff in identifying staff development needs based on student achievement data.
- provides staff development that supports effective instruction.
- shares knowledge and information about new, improved, or alternative methods of instruction and related issues.
- meets with instructional teams and teachers regularly to discuss ongoing school improvement efforts.
- shares program evaluation results and demonstrates connection of results to ongoing staff development efforts.
- disseminates information about conferences, course work, and membership in professional organizations.
- supports staff participation in internal and external professional development opportunities as appropriate.

The administrator identifies, analyzes, and resolves problems using effective problem-solving techniques.

Sample Performance Indicators:

The administrator...

- identifies and addresses problems in a timely and effective manner.
- demonstrates fairness in identifying multiple points of view around problem situations.
- involves stakeholders in analyzing problems and developing solutions.
- monitors implementation of problem resolutions.
- provides shared leadership and decision-making opportunities for staff that promote a climate of collaboration and collegiality.
- delegates responsibility appropriately to staff members.
- maintains focus on school and division missions and goals.
- promotes an atmosphere of mutual respect and courtesy.

Safety and Organizational Management for Learning

The administrator maintains effective discipline and fosters a safe and positive environment for students and staff.

Sample Performance Indicators:

The administrator...

- ensures a safe, secure, orderly, clean, and attractive school environment.

AMERICAN OVERSIGHT
VA-22-0316-A-000410

- clearly communicates expectations regarding behavior to students, staff, and parents.
- clearly communicates procedures for handling disciplinary problems.
- implements and enforces school division code of conduct and appropriate disciplinary procedures in a timely and consistent manner.
- establishes effective programs through which students develop self-discipline and conflict resolution skills.
- calmly and effectively manages emergency situations as they occur.
- is proactive in addressing potential problem situations.
- consistently conveys mutual respect, concern, and high expectations to students, staff, and parents.
- recognizes students and staff for their academic, co-curricular, personal, and professional achievements.

The administrator effectively coordinates the daily operation of the assigned area of responsibility.

Sample Performance Indicators:

The administrator...

- organizes staff to conduct daily routines efficiently, use space effectively, and ensure appropriate instructional time.
- publicizes routines and procedures through handbooks, orientation sessions, and other means.
- protects academic instructional time from unnecessary interruptions.
- organizes schedule to keep time students are out of class to a minimum.
- monitors and provides supervision for all programs and activities.
- oversees the general maintenance, upkeep, and appearance of the school (building administrators only).
- monitors established routines and use of facilities on a regular and timely basis (building administrators only).

The administrator effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.

Sample Performance Indicators:

The administrator...

- follows federal, state, and local statutes, regulations, policies, and procedures.
- collaboratively plans and prepares a fiscally responsible budget to support the organization's mission and goals.
- establishes and uses accepted procedures for receiving and disbursing funds.
- maintains records of receipts and disbursements of all funds handled.
- keeps staff informed about status of budget requests, equipment purchases, and materials ordered.
- monitors the efficient use of instructional resources.
- works with staff to establish an effective schedule for use of shared resources.
- accurately maintains personnel records.

AMERICAN OVERSIGHT
VA-22-0316-A-000411

- maintains current record of licensure, endorsement, and in-service training completed by staff.
- adheres to established evaluation schedules, timelines, and procedures.

The administrator demonstrates effective organizational skills to achieve school, community, and division goals.

Sample Performance Indicators:

The administrator...

- demonstrates and communicates a working knowledge and understanding of school division policies and procedures.
- ensures compliance and follow-through regarding policies and procedures.
- uses personal time to the best advantage, manages scheduling effectively, and follows task to completion.
- performs duties in an accurate and timely manner.
- maintains accurate student records to ensure that criteria for promotion/placement/instructional intervention are included.
- maintains accurate drop-out records to work towards drop-out prevention.
- efficiently and appropriately prioritizes and addresses multiple issues and projects.
- maintains an acceptable work space.

Communication and Community Relations

The administrator promotes effective communication and interpersonal relations with students and staff.

Sample Performance Indicators:

The administrator...

- promotes a climate of trust within the school.
- facilitates constructive and timely communication.
- initiates communication and facilitates cooperation among staff regarding curriculum or program initiatives.
- models professionally appropriate communication skills, interpersonal relations, and conflict mediation.
- maintains visibility and accessibility to staff.
- solicits staff input to discuss issues and goals and to promote effective decision-making.
- establishes and maintains a collaborative relationship with classroom teachers, specialists, and administrators in promoting the division's mission and in communicating expectations.

The administrator promotes effective communication and interpersonal relations with parents and other community members.

Sample Performance Indicators:

The administrator...

- communicates school and division goals, objectives, and expectations to stakeholders.

AMERICAN OVERSIGHT
VA-22-0316-A-000412

- maintains visibility and accessibility to parents and the community.
- uses multiple modes of communication to notify stakeholders of issues, events, and useful information regarding curriculum and programs in a timely manner.
- clarifies collaborative roles of school and home in promoting student learning and meeting curricular goals.
- communicates evidence of progress toward goals and objectives.
- monitors the development and distribution of staff and student handbooks.
- uses acceptable written and oral language.

The administrator works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Sample Performance Indicators:

The administrator...

- plans for and solicits parent and community member input.
- promotes the development of community partnerships.
- encourages parental and community involvement in promoting school goals.
- collaborates with staff, families, and community leaders and responds to identified needs of individual students and groups of students.
- seeks grants and other community resources to support school goals.
- treats people with respect.
- models and promotes multicultural awareness, gender sensitivity, and the appreciation of diversity in the school-community.
- promotes the value of understanding and celebrating school and community cultures.

Professionalism

The administrator models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The administrator...

- relates to co-workers, customers/clients, and others in an ethical and professional manner.
- represents the school/office/program favorably in the school division/community.
- resolves concerns and problems in an appropriate manner.
- respects and maintains confidentiality and assumes responsibility for personal actions.
- maintains a professional demeanor and appearance appropriate to responsibilities.

The administrator works in a collegial and collaborative manner with other administrators, school personnel, and the community to promote and support the mission and goals of the school division.

Sample Performance Indicators:

The administrator...

- demonstrates flexibility and a collaborative attitude in supporting colleagues/work teams.

AMERICAN OVERSIGHT
VA-22-0316-A-000413

- supports the organization and advances the mission/goals.
- supports division-wide programs and activities and makes a positive contribution to the overall climate of the school and division.
- maintains effective working relationships with other administrators and staff.
- shares ideas and information and considers the interests and needs of other administrators and community stakeholders in promoting and supporting district goals and services.

The administrator takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The administrator...

- participates in professional growth activities, including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.
- evaluates and identifies areas of personal strength and weakness related to professional skills and their impact on student learning.
- sets goals for improvement of skills and professional performance.
- maintains a high level of personal knowledge regarding new developments and techniques, including technology, in one's own field of professional specialization.
- comprehends and applies current research of educational issues, trends, and practices.
- networks with colleagues to share knowledge about effective educational practices and to improve and enhance administrative knowledge, skills, and organizational success.
- maintains proper licensure and certification.

The administrator provides service to the profession, the division, and the community.

Sample Performance Indicators:

The administrator...

- serves on division, state, and/or national committees and maintains an active role in professional organizations.
- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.
- organizes, facilitates, and presents at local, state and/or national conferences.
- supports and participates in efforts to align school and division goals and activities with community endeavors.

AMERICAN OVERSIGHT
VA-22-0316-A-000414

Appendix C

Superintendent Evaluation Criteria and Performance Indicators

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The superintendent effectively employs various processes for gathering, analyzing, and using data for decision making.

Sample Performance Indicators:

The superintendent...

- applies current research related to effective techniques for gathering data from individuals, groups, programs, and the community, and uses reliable data in making decisions.
- reviews analyses of student academic achievement through standardized test results and other academic sources.
- provides staff with data in a collaborative effort to determine needs for improvement.
- applies and communicates statistical findings to identify strengths and weaknesses in programs and practices in order to ensure continuous improvement.
- plans and implements changes in programs and/or curricula based on data.
- reviews annual analyses of division's test and sub-test scores by school and discipline in order to assess school improvement and monitor improvement plans.

The superintendent organizes the collaborative development and implementation of a division strategic plan based on analysis of data from a variety of sources.

Sample Performance Indicators:

The superintendent...

- provides leadership in the development of a shared vision for educational improvement and of a strategic plan to attain that vision.
- implements strategies for the inclusion of staff and various stakeholders in the planning process.
- supports the division's mission by identifying, articulating, and planning to meet the educational needs of students, staff, and other stakeholders.
- works collaboratively to develop long- and short-range goals and objectives consistent with the school division's strategic plan and monitors progress in achieving long- and short-range goals and objectives.
- provides feedback to principals on goal achievement and needs for improvement.
- supports staff through the stages of the change process.
- maintains stakeholders' focus on long-range mission and goals throughout the implementation process.

AMERICAN OVERSIGHT

VA-22-0316-A-000415

The superintendent plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.

Sample Performance Indicators:

The superintendent...

- demonstrates a working knowledge and understanding of the Standards of Learning and division curricular requirements.
- supports the development of a comprehensive curriculum utilizing goals and objectives in alignment with the Standards of Learning.
- oversees the planning, implementation, evaluation, and revision of the curriculum on a systematic and ongoing basis.
- provides resources and materials to accomplish instructional goals for all students.
- facilitates programs/curricular changes to meet state or federal requirements.
- monitors and assesses the effect of the programs and/or curricula on student achievement.

The superintendent develops plans for effective allocation of fiscal and other resources.

Sample Performance Indicators:

The superintendent...

- acquires, allocates, and manages division resources in compliance with all laws to ensure the effective and equitable support of all of the division's students, schools, and programs.
- allocates resources consistent with the mission and strategic plan of the division.
- meets and works collaboratively with the board and appropriate staff to determine priorities for budgeting and for the effective allocation of space and human resources.
- utilizes human and material resources outside the division that may support and/or enhance the achievement of goals and objectives.
- monitors and assesses resource allocation.
- revises resource allocation plans based on implementation data.

Instructional Leadership

The superintendent communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.

Sample Performance Indicators:

The superintendent...

- demonstrates personal commitment to achieving the mission of the school division.
- articulates a shared vision to all constituencies and ensures that staff members are working in concert with the division's strategic plan.
- informs members of the board and community of current research related to best practices in curriculum and instruction.
- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.
- shares evaluation data and subsequent plans for continuous improvement with staff, students, and other stakeholders.
- recognizes, encourages, and celebrates excellence among staff and students.

AMERICAN OVERSIGHT
VA-22-0316-A-000416

- demonstrates strong motivation and high standards and models self-evaluation.

The superintendent oversees the alignment, coordination, and delivery of assigned programs and/or curricular areas.

Sample Performance Indicators:

The superintendent...

- articulates curricular goals, objectives, and frameworks to staff and other stakeholders.
- works with staff to develop a written plan for the coordination and articulation of curricular goals.
- works with the board, staff, and community representatives to identify needs and determine priorities regarding program delivery.
- provides direction and support in planning and implementing activities and programs consistent with continuous improvement efforts and attainment of instructional goals.
- monitors coordination of instructional programs with state and local standards.
- facilitates the effective coordination and integration of division curricular and co-curricular programs.

The superintendent selects, inducts, supports, evaluates, and retains quality instructional and support personnel.

Sample Performance Indicators:

The superintendent...

- maintains and disseminates a current handbook of personnel policies and procedures.
- establishes and uses selection procedures that ensure fairness and equity in selecting the best candidates.
- makes recommendations regarding personnel decisions consistent with established policies and procedures.
- oversees the recruitment, appointment, induction, and assignment of the most qualified personnel available.
- establishes and implements formal and informal induction procedures to promote assistance for and acceptance of new employees.
- sets high standards for staff performance.
- evaluates performance of personnel consistent with division policies, provides formal and informal feedback, and maintains accurate evaluation records.
- recommends the reappointment and/or promotion of competent, effective personnel.
- provides support and resources for staff to improve job performance and recognizes and supports the achievements of highly effective staff members.

The superintendent provides staff development programs consistent with program evaluation results and school instructional improvement plans.

Sample Performance Indicators:

The superintendent...

- leads the development and implementation of a systematic professional development plan for individuals, including members of the board, and for the division.

AMERICAN OVERSIGHT
VA-22-0316-A-000417

- works collaboratively with members of the staff in using student achievement data to determine relevant professional development opportunities.
- meets with principals regularly to assess ongoing school improvement efforts.
- evaluates the effectiveness of the professional development plan in relation to division goals.
- encourages participation in relevant conferences, course work, and activities of professional organizations.
- shares program evaluation results and demonstrates connection of results to ongoing staff development efforts.
- supports staff participation in internal and external professional development opportunities as appropriate.

The superintendent identifies, analyzes, and resolves problems using effective problem-solving techniques.

Sample Performance Indicators:

The superintendent...

- identifies and addresses problems in a timely and effective manner.
- demonstrates fairness in identifying multiple points of view around problem situations.
- involves stakeholders in analyzing problems and developing solutions.
- monitors implementation of problem resolutions.
- provides shared leadership and decision-making opportunities for staff that promote a climate of collaboration and collegiality.
- delegates responsibility appropriately to staff members.
- maintains focus on school and division mission and goals.
- promotes an atmosphere of mutual respect and courtesy.

Safety and Organizational Management for Learning

The superintendent actively supports a safe and positive environment for students and staff.

Sample Performance Indicators:

The superintendent...

- facilitates the implementation of sound, research-based theories and techniques of classroom management, student discipline, and school safety to ensure a safe, orderly environment conducive to teaching and learning.
- clearly communicates expectations regarding behavior to students, staff, parents, and other members of the community.
- clearly communicates procedures for handling disciplinary problems.
- implements and enforces school division code of conduct and appropriate disciplinary policies and procedures in a timely and consistent manner.
- supports effective programs through which students develop self-discipline and conflict resolution skills.
- calmly and effectively manages emergency situations as they occur.

AMERICAN OVERSIGHT
VA-22-0316-A-000418

- is proactive in addressing potential problem situations.
- consistently conveys mutual respect, concern, and high expectations to students, staff, parents, and community members.
- recognizes students and staff for their academic, co-curricular, personal, and professional achievements.

The superintendent develops procedures for working with the local board of education that define mutual expectations, working relationships, and strategies for formulating division policies.

Sample Performance Indicators:

The superintendent...

- respects the policy-making authority and responsibility of the board.
- develops and uses a systematic means of keeping members of the board informed with complete, accurate information.
- facilitates the delineation of superintendent and board roles and the articulation of mutual expectations.
- recommends policy additions and/or modifications to improve student learning and division effectiveness.
- anticipates future needs and demonstrates a bias for action.
- values group interaction and problem solving.
- expresses opinions on policy issues directly to the board.
- supports and implements policy established by the board.

The superintendent effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.

Sample Performance Indicators:

The superintendent...

- complies with federal, state, and local statutes, regulations, policies, and procedures.
- collaboratively plans and prepares a fiscally responsible budget to support the organization's mission and goals.
- demonstrates effectiveness in obtaining necessary resources.
- establishes and uses accepted procedures for receiving and disbursing funds.
- ensures that expenditures are within limits approved by the board.
- implements appropriate management techniques and group processes to define roles, delegate activities and responsibilities, and determine accountability for goal attainment.
- prepares and implements short- and long-range plans for facilities and sites.
- ensures proper maintenance and repair of division property and equipment.
- monitors any construction, renovation, or demolition of division buildings.
- regularly reports to the board on the financial condition of the division.
- monitors the efficient use of resources.
- works with staff to establish an effective schedule for use of shared resources.
- ensures the maintenance of accurate personnel records.

AMERICAN OVERSIGHT
VA-22-0316-A-000419

The superintendent demonstrates effective organizational skills to achieve school, community, and division goals.

Sample Performance Indicators:

The superintendent...

- demonstrates and communicates a working knowledge and understanding of school division policies and procedures.
- ensures compliance and follow-through regarding policies and procedures.
- uses personal time to the best advantage, manages scheduling effectively, and follows task to completion.
- performs duties in an accurate and timely manner.
- maintains appropriate and accurate records.
- efficiently and appropriately prioritizes and addresses multiple issues and projects.
- systematically evaluates progress on achieving established goals.
- keeps the board, staff and community appraised of progress in achieving the division's goals.

Communication and Community Relations

The superintendent promotes effective communication and interpersonal relations within the school division.

Sample Performance Indicators:

The superintendent...

- promotes a climate of trust and teamwork within the division.
- facilitates constructive and timely communication.
- initiates communication and facilitates cooperation among staff regarding curriculum or program initiatives.
- models professionally appropriate communication skills, interpersonal relations, and conflict mediation.
- maintains visibility and accessibility to staff.
- solicits staff input to discuss issues and goals and to promote effective decision-making.
- establishes and maintains a collaborative relationship with staff members in promoting the division's mission and in communicating expectations.

The superintendent establishes and maintains effective channels of communication with board members and between the schools and community, strengthening support of constituencies and building coalitions.

Sample Performance Indicators:

The superintendent...

- accepts responsibility for maintaining communication between the board and division personnel.
- anticipates, analyzes, and discusses emerging educational/division issues with the board on a regular basis.
- systematically provides accurate, relevant information to the board to facilitate decision-making.
- establishes, maintains, and evaluates a planned, two-way system of communication with community constituencies.

AMERICAN OVERSIGHT
VA-22-0316-A-000420

- communicates school and division goals, objectives, and expectations to stakeholders.
- is politically astute and demonstrates the skills necessary to build community support for division goals and priorities.
- works cooperatively with representatives of the news media.
- establishes partnerships with public and private agencies to enhance the division's ability to serve students and other constituents.
- uses acceptable written and oral language.

The superintendent works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Sample Performance Indicators:

The superintendent...

- is responsive to the conditions and dynamics of the diversity within the school community.
- treats people with respect.
- models and promotes multicultural awareness, gender sensitivity, and the appreciation of diversity in the community.
- is knowledgeable about laws regarding individual and group rights and responsibilities and scrupulously avoids actions that might violate them.
- collaborates with staff, families, and community leaders and responds to identified needs of individual students and groups of students.
- promotes the value of understanding and celebrating school/community cultures.

Professionalism

The superintendent models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The superintendent...

- relates to board members, staff, and others in an ethical and professional manner.
- maintains the physical and emotional wellness necessary to meet the responsibilities of the position.
- serves as an articulate spokesperson for the school division and represents the division favorably at the local, state, and national levels.
- resolves concerns and problems in an appropriate manner.
- respects and maintains confidentiality and assumes responsibility for personal actions and those of subordinates.
- maintains a professional demeanor and appearance appropriate to responsibilities.

The superintendent works in a collegial and collaborative manner with school personnel and the community to promote and support the mission and goals of the school division.

Sample Performance Indicators:

The superintendent...

- demonstrates flexibility and a collaborative attitude in supporting professionals and other staff/work teams.
- supports the division and advances its mission/goals.

AMERICAN OVERSIGHT
VA-22-0316-A-000421

- establishes and supports a division culture that encourages collaboration and teamwork in achieving goals.

- maintains effective working relationships with other administrators and staff.

- shares ideas and information and considers the interests and needs of staff members and community stakeholders in promoting and supporting district goals and services.

The superintendent takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The superintendent...

- participates in professional growth activities, including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.

- evaluates and identifies areas of personal strength and weakness related to providing division leadership.

- sets goals for improvement of skills and professional performance.

- maintains a high level of personal knowledge regarding new developments and techniques, including technology, and shares the information with appropriate staff.

- comprehends and applies current research of educational issues, trends, and practices.

- networks with colleagues to share knowledge about effective educational practices and to improve and enhance administrative knowledge, skills, and organizational success.

- maintains proper licensure and certification.

The superintendent provides service to the profession, the division, and the community.

Sample Performance Indicators:

The superintendent...

- serves on division, state, and/or national committees and maintains an active role in professional organizations.

- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.

- organizes, facilitates, and presents at local, state and/or national conferences.

- supports and participates in efforts to align division goals and activities with community endeavors.

AMERICAN OVERSIGHT
VA-22-0316-A-000422

From: Superintendent, TU <superintendent@doe.vlgdata.gov>
Sent: 5/22/2022 10:54:44 AM
To: "TU Constituent Services" <constituentservices@doe.vlgdata.gov>
Cc: "Con Assess_" <jon.isaac_@doe.vlgdata.gov>
Subject: Fwd: SEL Standards by the VDOE are Centered in Equity and are far more alarming than Ed Equity or Northam's Divisive Anti-racism agenda

Jana wants you to be aware that we've received about 30 of these yesterday. No multiple accounts. Don't think there's any response required.

---------- Forwarded message ---------
From: **Jotform** <noreply@jotform.com>
Date: Tue, May 17, 2022 at 3:21 PM
Subject: SEL Standards by the VDOs are Centered in Equity and are far more Alarming than Ed Equity or Northam's Divisive Anti-racism Agenda
To: <valorous1freefire_2@mail.com>, <elizabe_rodol_2@doe.vlgdata.gov>, <alperfa_eidsen_3@doe.vlgdata.gov>, <dianae.garcia3@doe.vlgdata.gov>, <dinzey.ariana@doe.vlgdata.gov>, <ch_3@doe.vlgdata.gov>, <glenajoung3@loudoun.k12.va.us>, <williamjwatsonmemaa.com@>, <jarod3jarodwatera.com@>, <goodalf3@cox.net>

SEL Standards by the VDOE are Centered in Equity and are far more alarming than EdEquity or Northam's Divisive Anti-racism agenda

Name: Ana Hellin
Signature:
Email: arhah9@icloud.com

You can edit this submission and view all your submissions easily.

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/15/2022 9:09:07 AM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: Standards of Emotional Learning Requirements

Superintendent refusing to divulge legal matters to a school board member in case headed to VA SCOTUS?

Can we discuss?

---------- Forwarded message ---------
From: **Brandi Rutz** <brandirutz@icloud.com>
Date: Mon, Mar 14, 2022 at 10:54 PM
Subject: Standards of Emotional Learning Requirements
To: <elizabeth.schultz@doe.virginia.gov>

Hi Mrs. Schultz,

We met a Noah Webster Education Conference in Lynchburg a few weeks back. I was hoping you could give me clarity on two things.

First is the Standards of Emotional Learning requirements for Virginia Educators, what are they? I was emailed a schedule for our Staff orientation for August, and we have 2 days we have SEL training presented by Allison Jackson. I do not know what organization Ms. Jackson is from.

Secondly, is the definition of a body corporate for the school board. I mentioned during my introduction at the NWEF that my school district had recently had some turmoil regarding the name change of Stonewall Jackson High. The way in which it was done (under Covid, 9 days, no public input) has sat poorly with our county constituents.
I put partial blame on our school legal counsel. When I tried to request correspondence between the attorney and board/Superintendent for that topic (done in 2020-2021, I was elected in Nov 21) I have been denied. First on the premise that It violated attorney/client privilege and when I pushed back on that (I am now the client) I was told, the information had to be requested from the whole board. Mind you, 3 of them sat on the board at that time. We have pending litigation as the suit against SCPS is being presented to the Va. Supreme Court for possible appeal.

It seems Superintendents and attorneys alike are using the vague terms of body corporate to deny independent visits of board members to schools and information. Our prior superintendent did deny a board member the benefit of visiting schools and claimed one must have permission first. Thankfully, he is gone, but I doubt he is a rare case of such misuse of the ideology.

I appreciate any clarity you can offer.

By the way, I asked my Superintendent if she signed the push back on Youngkins Tip Line that the Association of Superintendents and the WaPO claim all 133 District Superintendents signed. She claimed she did not. I don’t have a reason to doubt her.

Thank you in advance of your time.

Warm Regards,

Brandi Rutz

Sent from my iPhone
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/16/2022 6:40:06 PM
To: "Charles Pyle" <charles.pyle@doe.virginia.gov>
Cc: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: VDOE SEL site info we discussed

Attachments: image1.jpeg , image0.jpeg , image9.jpeg , image8.jpeg , image5.jpeg , image18.jpeg , image20.jpeg , image26.jpeg , image2.jpeg , image19.jpeg , image23.jpeg , image10.jpeg , image22.jpeg , image7.jpeg , image24.jpeg , image1[15].jpeg , image3.jpeg , image21.jpeg , image4.jpeg , image0[19].jpeg , image17.jpeg , image25.jpeg , image6.jpeg , image11.jpeg

---

---------- Forwarded message ---------
From: **Anne Taydus** <anneelizabethcraft@yahoo.com>
Date: Wed, Mar 16, 2022 at 6:13 PM
Subject: Fwd: VDOE SEL site info we discussed
To: <superintendent@doe.virginia.gov>
CC: <elizabeth.schultz@doe.virginia.gov>

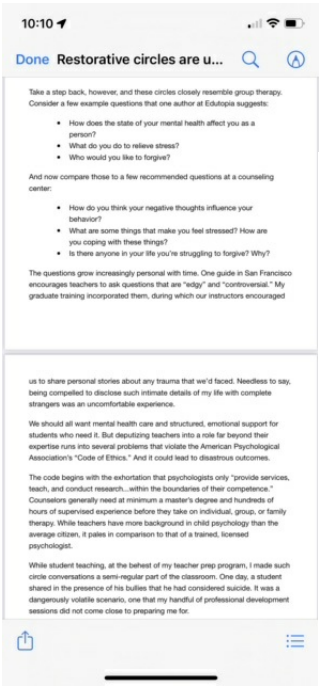
Download full resolution images
Available until Apr 15, 2022

Dr. Ballow
I sent this to Elizabeth Schultz per a conversation we had regarding the major issues with the VDOE SEL since the Governors divisive concept guidance is in direct conflict with the use of CASEL and almost every link on the VDOE site.

I will be speaking tomorrow at the meeting along with many of our board members

Thank you!
Anne Taydus
VP strategy and Advocacy
Virginians for Children First
804.332.9939

https://form.jotform.com/220708695150052



https://form.jotform.com/220708695150052

Sent from my iPhone

Begin forwarded message:

From: Anne Taydus <anneelizabethcraft@yahoo.com>
Date: March 16, 2022 at 5:31:50 PM EDT
To: elizabeth.schultz@doe.virginia.gov
Subject: VDOE SEL site info we discussed

Download full resolution images
Available until Apr 15, 2022

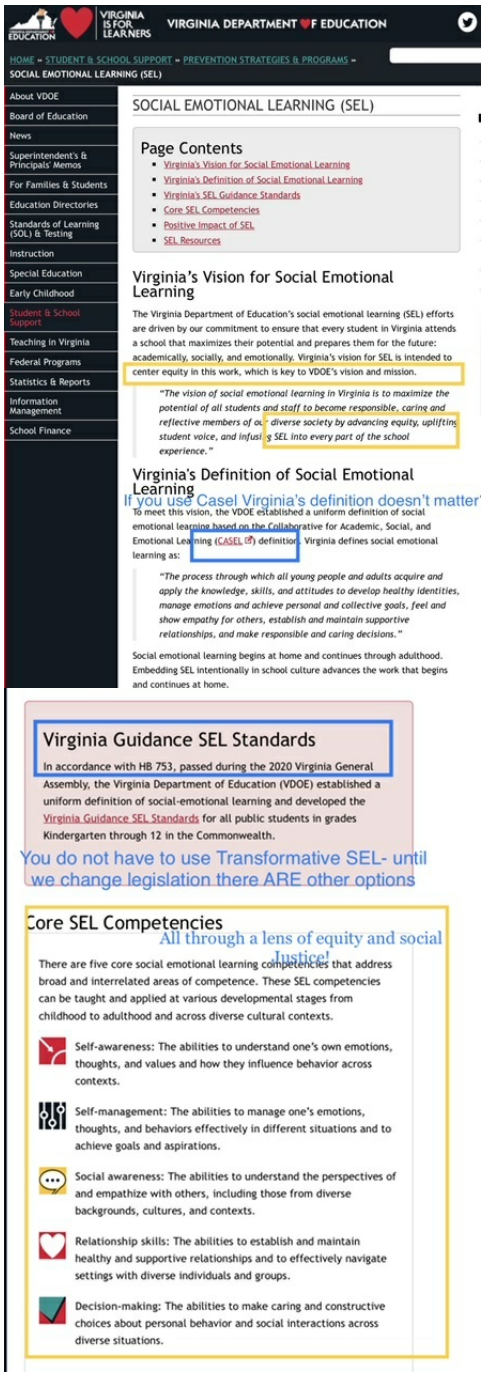
Ms. Schultz, I hope Chesterfield is treating you well! I put the jotform together if you would like the links. I told the team to grant you access. I put them all there specifically for you. So here is a copy of the link so you can have access to them. I was going to put a an entire presentation together on PowerPoint for tomorrow but developing a non profit and yesterday's sexual assault at a Thomas Dale high school have been at the top of my list

So unfortunately I have a million pieces I was going to put into a power point but with it being the end of Wednesday I wanted to get them at least sent out separately together for you. The screenshots are the extremely problematic areas.

AMERICAN OVERSIGHT

The videos are from the links on the VDOE SEL site as are the documents

If you have questions my cell is 8043329939
And I will be there to speak in the morning.
Anne Taydus



AMERICAN OVERSIGHT

As the creators of the most widely cited SEL definitions, CASEL now sees a need to clarify what's necessary to achieve the vision of SEL for all educators, adults and young people. We've updated our definition and framework to pay close attention to how SEL affirms the identities, strengths and experiences of all children, including those who have been marginalized in our education systems. CASEL has continued to highlight the importance of enhancing the social-emotional competence of all young people and adults, while putting additional emphasis on how we can all learn and work together to create caring and just schools and communities.

CASEL's Definition of SEL (2020 Update):

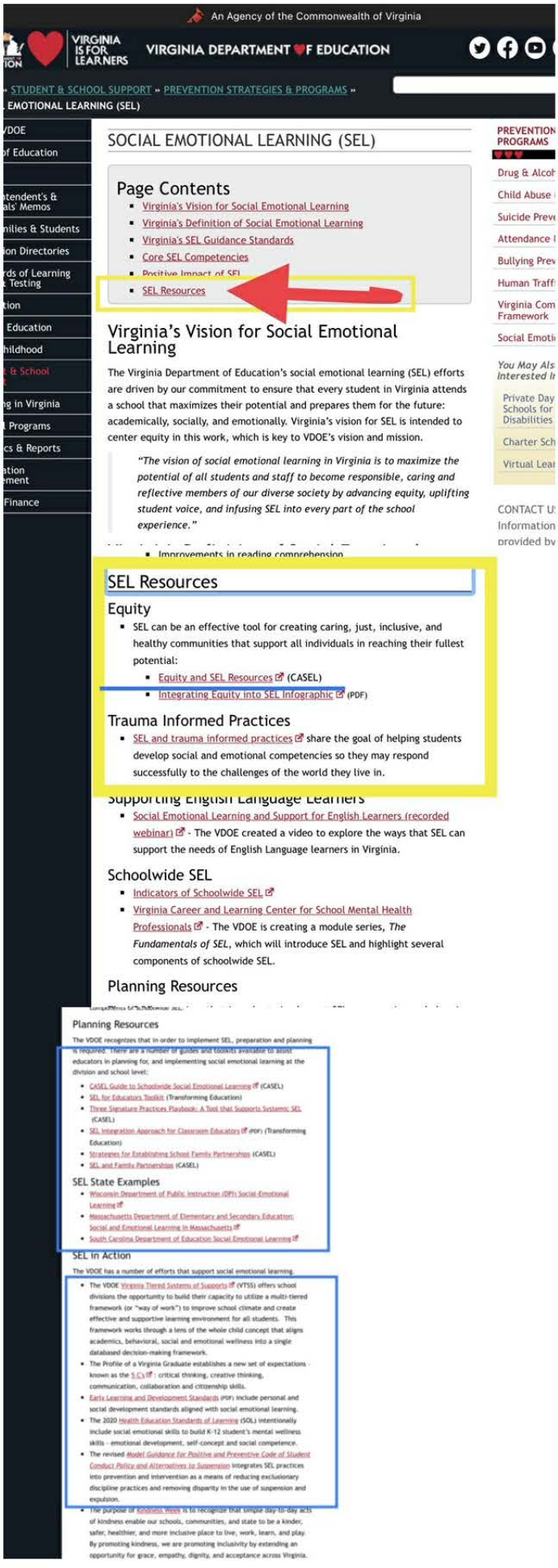
CASEL's Definition of SEL (2020 Update):

"Social and emotional learning (SEL) is an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.

SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities."

As we continuously learn and refine our

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

Learning during Uncertain Times

During the 2019-2020 and 2020-2021 school years, the effects of COVID-19 created prolonged disruption to the school and home routines.

Virginia LEARNS



The Virginia LEARNS initiative is about to take you on a journey to successful educational outcomes during uncertain times. The Student and Staff Wellbeing Checkpoint is the essential first-step consideration before embarking on the trip. The focus is on the social emotional wellness and physical health needs of our students, families, and staff. It will be critical to re-engage students in learning, rebuild relationships and school communities, and create equitable learning environments for all students.

CASEL CARES Initiative

CASEL CARES INITIATIVE
Connecting the SEL Community

The CASEL CARES Initiative connects each of you in our global community with experts to address how SEL can be most helpful in response to today's circumstances. This site contains a variety of free resources as well as access to free weekly webinars to support educators. The site also features the *Reunite, Renew, Thrive: SEL Roadmap to Reopening School* (July 2020). The guide was developed as schools began to re-open and to illuminate a way forward with social and emotional learning that is centered on relationships and built on the existing strengths of a school community.

A Systemic Approach to SEL Implementation



As exemplified by CASEL's infographic (© CASEL. All Rights Reserved), SEL implementation requires a systemic approach that emphasizes the importance of establishing equitable learning environments and coordinating practices across key settings of classroom, schools, families, and communities to enhance all students' social, emotional, and academic learning. Effective implementation integrates SEL throughout the school's academic curricula and culture, across the broader contexts of schoolwide practices and policies, and through ongoing collaboration with families and community organizations. These coordinated efforts should foster youth voice, agency, and engagement; establish supportive classroom and school climates and approaches to discipline; enhance adult SEL competence; and establish authentic family and community partnerships.

The lens of equity

Positive Impact of SEL

The research on the impact of social emotional learning demonstrates that SEL programming has a positive impact on academic performance, school attendance, disciplinary outcomes, and mental wellness. SEL lays the groundwork to create a safe and positive learning environment for students and adults, which allows for relationship building, collaboration, cultural competency, and critical decision-making. Research has shown that students participating in evidence-based SEL programs have:

- Improved classroom attitudes and behavior:
  - Better sense of community
  - More class participation
  - Stronger pro-social skills
  - Improved attendance
  - Better understanding of consequences
  - Better coping skills
  - Increased attitude toward school and learning
- Improved school performance:
  - Higher achievement test scores (+14%) and higher grades (+11%)
  - Improved metacognition skills
  - Improved problem-solving, planning, and reasoning skills
  - Improvements in reading comprehension

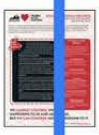
SEL Resources

7:54

Social Emotional Wellness Quick Guides

information and resources for school communities.

Considerations for Teachers and School Staff (PDF)



Resources include:

- Supporting Self-Care for Educators During COVID-19
- Social Emotional Learning (SEL) Learning for Educators Toolkit
- How to Support Teachers Emotional Needs Right Now

Considerations for Military-Connected Learners (PDF)



Resources include:

- State and Federal Resources for Military Families (PDF)

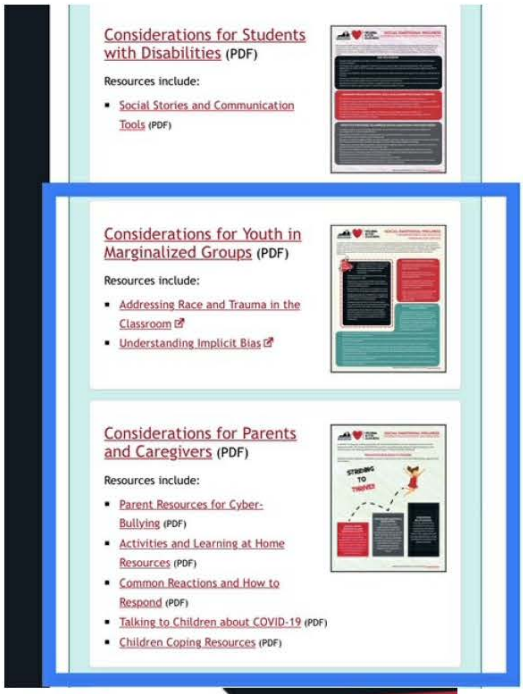
Considerations for Early Learners (PDF)



Resources include:

- Early Learners Book Nook for Dealing with Big Emotions (PDF)
- My Individual Action Plan (PDF)
- Common Reactions and How to Help (PDF)

AMERICAN OVERSIGHT



Considerations for Students with Disabilities (PDF)

Resources include:

- Social Stories and Communication Tools (PDF)

Considerations for Youth in Marginalized Groups (PDF)

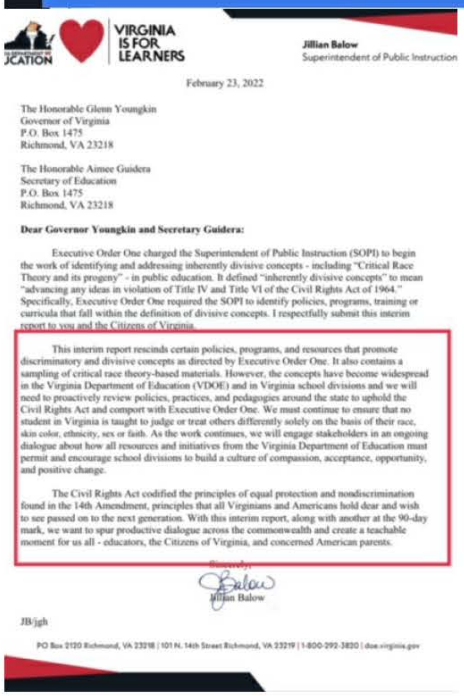
Resources include:

- Addressing Race and Trauma in the Classroom
- Understanding Implicit Bias

Considerations for Parents and Caregivers (PDF)

Resources include:

- Parent Resources for Cyber-Bullying (PDF)
- Activities and Learning at Home Resources (PDF)
- Common Reactions and How to Respond (PDF)
- Talking to Children about COVID-19 (PDF)
- Children Coping Resources (PDF)



VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

February 23, 2022

The Honorable Glenn Youngkin
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

The Honorable Aimee Guidera
Secretary of Education
P.O. Box 1475
Richmond, VA 23218

Dear Governor Youngkin and Secretary Guidera:

Executive Order One charged the Superintendent of Public Instruction (SOPI) to begin the work of identifying and addressing inherently divisive concepts - including "Critical Race Theory and its progeny" - in public education. It defined "inherently divisive concepts" to mean "advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964." Specifically, Executive Order One required the SOPI to identify policies, programs, training or curricula that fall within the definition of divisive concepts. I respectfully submit this interim report to you and the Citizens of Virginia.

This interim report rescinds certain policies, programs, and resources that promote discriminatory and divisive concepts as directed by Executive Order One. It also contains a sampling of critical race theory-based materials. However, the concepts have become widespread in the Virginia Department of Education (VDOE) and in Virginia school divisions and we will need to proactively review policies, practices, and pedagogies around the state to uphold the Civil Rights Act and comport with Executive Order One. We must continue to ensure that no student in Virginia is taught to judge or treat others differently solely on the basis of their race, skin color, ethnicity, sex or faith. As the work continues, we will engage stakeholders in an ongoing dialogue about how all resources and initiatives from the Virginia Department of Education must permit and encourage school divisions to build a culture of compassion, acceptance, opportunity, and positive change.

The Civil Rights Act codified the principles of equal protection and nondiscrimination found in the 14th Amendment, principles that all Virginians and Americans hold dear and wish to see passed on to the next generation. With this interim report, along with another at the 90-day mark, we want to spur productive dialogue across the commonwealth and create a teachable moment for us all - educators, the Citizens of Virginia, and concerned American parents.

Sincerely,

Jillian Balow

JB/jgh

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

APPENDIX A: RESCISSIONS & MODIFICATIONS OF PROGRAMS, POLICIES, MATERIALS

			• Promotes and permits teaching and leading social justice, systemic inequality, and anti-racist policies in ways that are consistent with critical race theory and without offering alternatives. • Shifts school culture from excellence and opportunity to equitable outcomes for all students.	
Rescinded	All Resources Included on VDOE's Culturally Responsive Website[iv]	Rescinded 2/15/22 or in-progress	• This is a resource included in EdEquityVA • The resources contain concepts that may be divisive and need to be reviewed in stakeholders. • Divisive concepts taught in the training including (but are not limited to): "redress" bias in the system; include "culturally responsive" efficacy in teacher evaluation; mitigate power imbalances; develop policy to advance "anti-racism;" be change agents for social justice and academic equity. • Generally promotes academic equity of outcomes versus equity of opportunities for all learners. • Advances using current discrimination to address previous discrimination. (Treating people differently based on race – to remedy previous discrimination.) • Evaluation of viable alternatives is underway and stakeholder groups will be engaged.	Y (link iv below)
Rescinded	Superintendent's Memo #050-19	Replaced on 11/19/21 and Rescinded 2/23/22	• The original memo was replaced by a memo with a disclaimer about CRT. • Reading lists advance the use of CRT in education.	Y (attached example C)
Rescinded	"Teaching 9/11"[v] EdEquityVA Web Series	Rescinded 9/2/22 in response to public criticism	• Included in this list to establish VDOE and the "commitment to equity" and equitable outcomes prior to January 15, 2022.	Y (link v below) Time: 12:25
Parts rescinded and evaluating	Virginia L.E.A.R.N.S.[vi]	Rescinded 2/15/22	• Substantial focus on building an equitable culture to remedy the learning loss caused by COVID-19 and school closures. • "Equity checkpoints" are similar or identical to EdEquityVA audit tool and other resources. It states, "Education Equity is achieved when we	Y (link vi below)

AMERICAN OVERSIGHT

Culturally Responsive and Inclusive Practice

541 Shares - Share This Page

> *The cultural competence of adults is intimately connected to the achievement of students.*
> *Gary R. Howard*

practice among Virginia's educator workforce is critical to ensuring inclusive learning environments and equitable outcomes for all students. Our strategy will focus on the following tactics as the primary vehicles for **Increasing the Cultural Competency of Virginia's Educator Workforce:**

- Increasing Teacher Diversity
- Supporting Culturally Relevant Teaching Pedagogy
- Enhancing Teacher Preparation
- Amending Licensure Requirements to include Cultural Competency
- Developing new Professional Learning Opportunities
- Supporting Courageous Leaders
- Revising Educator Evaluation to include Cultural Competency Efficacy
- Incorporating Cultural Responsiveness and Inclusion into School Climate Evaluation

Defining Culturally Responsive Practice for Virginia Educators

Establishing expectations for culturally responsive practice among Virginia's educator workforce is critical to supporting the effective delivery of professional development. These expectations are framed into four quadrants that represent practices at the following critical levels: (1) culturally responsive schools, (2) culturally responsive leadership, (3) culturally responsive educators, and (4) culturally responsive pedagogy.

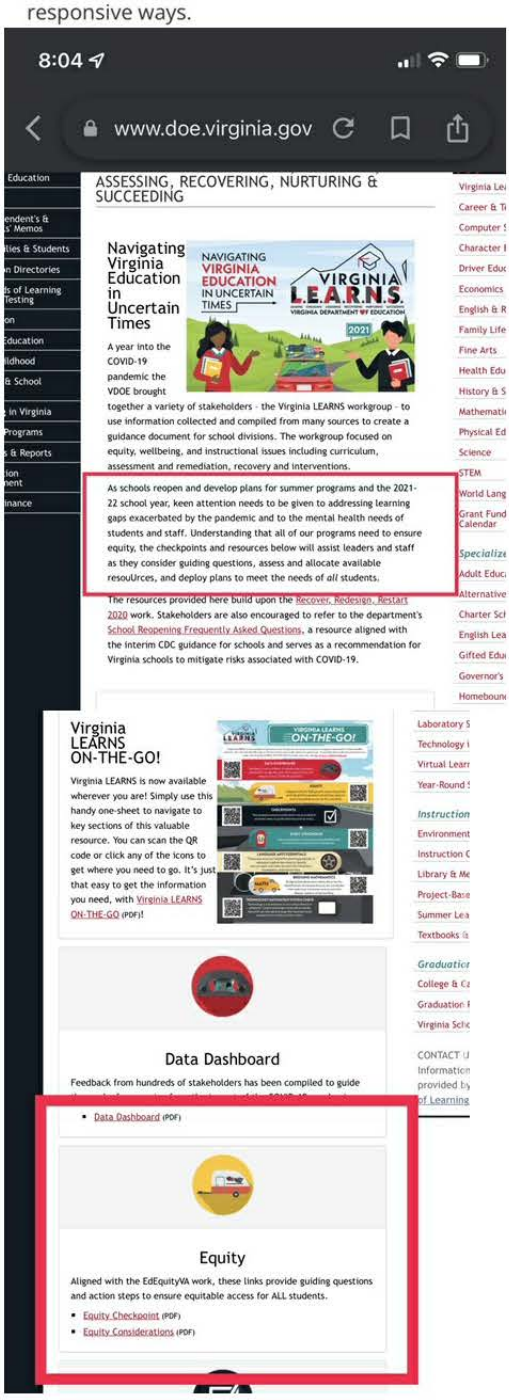
These four leverage points represent components of the educational ecosystem that can be transformed by culturally responsive practices to better serve students historically marginalized by race. Defining what culturally responsive practices look like in these four levels also aids in identifying data points, situating student outcomes through an equity lens supported by culturally responsive pedagogies, identifying capacity building needs, and creating spaces for continuous community input and support.

AMERICAN OVERSIGHT

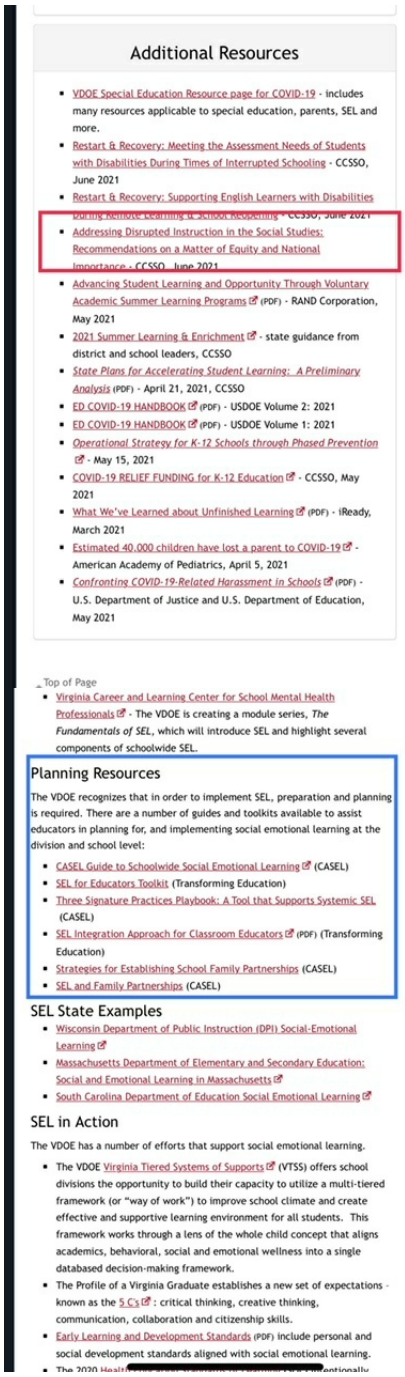
are valued

Culturally Responsive Educators

-Reflect on their own cultural lens.
-Model high expectations for all students.
-Promote respect for student differences.
-Recognize and redress bias in the system.
-Challenge stereotypes, prejudices, racism, and other forms of intolerance, and oppression.
-Are change agents for social justice and academic equity.
-Cultivate relationships beyond the classroom anchored in affirmation, mutual respect and validation.
-Engage in reflection of their beliefs, behaviors and practices.
-Communicate in linguistically and culturally responsive ways.



AMERICAN OVERSIGHT



Additional Resources

- VDOE Special Education Resource page for COVID-19 - includes many resources applicable to special education, parents, SEL and more.
- Restart & Recovery: Meeting the Assessment Needs of Students with Disabilities During Times of Interrupted Schooling - CCSSO, June 2021
- Restart & Recovery: Supporting English Learners with Disabilities during Remote Learning & School Reopening - CCSSO, June 2021
- Addressing Disrupted Instruction in the Social Studies: Recommendations on a Matter of Equity and National Importance - CCSSO, June 2021
- Advancing Student Learning and Opportunity Through Voluntary Academic Summer Learning Programs (PDF) - RAND Corporation, May 2021
- 2021 Summer Learning & Enrichment - state guidance from district and school leaders, CCSSO
- *State Plans for Accelerating Student Learning: A Preliminary Analysis* (PDF) - April 21, 2021, CCSSO
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 2: 2021
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 1: 2021
- *Operational Strategy for K-12 Schools through Phased Prevention* - May 15, 2021
- COVID-19 RELIEF FUNDING for K-12 Education - CCSSO, May 2021
- What We've Learned about Unfinished Learning (PDF) - iReady, March 2021
- Estimated 40,000 children have lost a parent to COVID-19 - American Academy of Pediatrics, April 5, 2021
- *Confronting COVID-19-Related Harassment in Schools* (PDF) - U.S. Department of Justice and U.S. Department of Education, May 2021

Top of Page

- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

The VDOE recognizes that in order to implement SEL, preparation and planning is required. There are a number of guides and toolkits available to assist educators in planning for, and implementing social emotional learning at the division and school level:

- CASEL Guide to Schoolwide Social Emotional Learning (CASEL)
- SEL for Educators Toolkit (Transforming Education)
- Three Signature Practices Playbook: A Tool that Supports Systemic SEL (CASEL)
- SEL Integration Approach for Classroom Educators (PDF) (Transforming Education)
- Strategies for Establishing School Family Partnerships (CASEL)
- SEL and Family Partnerships (CASEL)

SEL State Examples

- Wisconsin Department of Public Instruction (DPI) Social-Emotional Learning
- Massachusetts Department of Elementary and Secondary Education: Social and Emotional Learning in Massachusetts
- South Carolina Department of Education Social Emotional Learning

SEL in Action

The VDOE has a number of efforts that support social emotional learning.

- The VDOE Virginia Tiered Systems of Supports (VTSS) offers school divisions the opportunity to build their capacity to utilize a multi-tiered framework (or "way of work") to improve school climate and create effective and supportive learning environment for all students. This framework works through a lens of the whole child concept that aligns academics, behavioral, social and emotional wellness into a single databased decision-making framework.
- The Profile of a Virginia Graduate establishes a new set of expectations - known as the 5 C's: critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Heal[redacted]

https://youtu.be/-E-Up9_mOW4 SEL equity

https://youtu.be/b0hbELlHkUs. Reading. Casel

https://youtu.be/dlpeymIXuIE. Data science

https://youtu.be/ye80s0SJHqQ - sel support. Ideas. Equity driven.

https://youtu.be/5XWGp5EJDyw Culturally relevant advisory committee
https://youtu.be/RkDMOdZhaK4

Vdoe pbs source social awareness https://www.pbslearningmedia.org/resource/social-awareness-social-emotional-learning/social-emotional-learning-video/

Relationship skills https://www.pbslearningmedia.org/resource/relationship-skills-social-emotional-learning/social-emotional-learning-video/

Positive impact if SEL per VDOE -> CASEL
https://casel.org/fundamentals-of-sel/what-does-the-research-say/

Vdoe SEL and equity. https://ies.ed.gov/ncee/edlabs/infographics/pdf/REL_MW_Integrating_a_Focus_on_Equity_into_Social_and_Emotional_Learning.pdf

Casel SEL equity https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/

Casel. SEL equity fighting racism https://youtu.be/UPWrnBA2274
https://youtu.be/DPFMfultXSY
https://youtu.be/m3yHe45dipA
https://youtu.be/JphZpROqUsw

Urgency for equity CASEL https://youtu.be/R5XsfrWwCsc

Trauma SEL. https://youtu.be/-LsceUH3i0o

Casel. SEL and equity https://schoolguide.casel.org/what-is-sel/equity-and-sel/

AMERICAN OVERSIGHT

Transforming identity https://youtu.be/PpsswKB269U

5cs
http://www.virginiaisforlearners.virginia.gov/media-library/

https://youtu.be/f4JUFe5wblo
Critical thinking. https://youtu.be/lhNnactbvUU

Vdoe data dashboard https://www.doe.virginia.gov/instruction/learns/virginia-learns.pdf#page=8

SEL resource library https://padlet.com/sarah_bazemore1/VAis4SEL

WHAT SEL DOES TO CHILDREN
https://youtu.be/lDtGw8Ss-VA

Why SEL must be in all schools https://www.lessonsforsel.com/post/why-every-school-must-have-a-social-emotional-learning-plan-prior-to-reopening

Responsive classroom https://youtube.com/user/responsiveclassroom

Identity https://padlet-uploads.storage.googleapis.com/418766834/23c8a5753630256d78a78e300c94d1cc/Let_students_identify_themselves_on_the_first_day_of_class__Ask_them_to_fill_out_index_cards_with_their_preferred_name_and_pronouns__then_be_sure_to_update_the_class_list_and_share_that_list_when_there_s_a_subst.pdf

What is restorative Justice http://www.restorativeresources.org/uploads/5/6/1/4/56143033/rj_what_it_is_and_is_not.pdf

Learning for Justice https://www.learningforjustice.org/classroom-resources/lessons

Empathy
https://padlet-uploads.storage.googleapis.com/418766834/3d117d43e4d2beb0f7cb5e9e9b7c4bd1/StartEmpathy_Toolkit.pdf

Anti bias lessons https://padlet-uploads.storage.googleapis.com/418766834/69796a8dec60d6beac02c35f595e075f/ADL_Anti_Bias_Lessons.pdf

Casel sample teaching https://casel.s3.us-east-2.amazonaws.com/Sample-Teaching-Activities-to-Support-Core-Competencies.pdf

Using data https://dataqualitycampaign.org/wp-content/uploads/2018/10/Using-Data-to-Support-and-Communicate-Effectively-about-SEL.pdf

Rate yourself https://padlet-uploads.storage.googleapis.com/418766834/59aed16eefcb4a4f9193f79f977af563/Goal_Worksheets_11.pdf

More data collection https://www.closegap.org/

Goopenva https://goopenva.org/groups/?f.search=Social+Emotional+Learning

Goopenva. Riot language https://microsite-vadoe-prod.s3.amazonaws.com/media/courseware/relatedresource/file/A_Riot_is_the_Language_of_the_Unheard_ruon6Qy.pdf

Goopenva history of racism https://goopenva.org/courseware/lesson/3851/overview

SEL IN ADVANCING EQUITY - same woman who does Antiracism https://youtu.be/wn6HeVlzr20

Transformative SEL https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/transformative-sel/

Click to Download
SEL-EQUITY-LENS.pdf
0 bytes

Click to Download
Frameworks-Equity.pdf
0 bytes

Click to Download
A_Riot_is_the_Language_of_the_Unheard_ruon6Qy.pdf
0 bytes

Click to Download
ADL_Anti_Bias_Lessons.pdf
0 bytes

Click to Download
virginia-learns.pdf
0 bytes

Click to Download
AdvancingEquityESSA.pdf
0 bytes

AMERICAN OVERSIGHT

Click to Download
All_slides___VCASE_Social_Emotional_Wellness_for_Teachers.pdf
0 bytes

Click to Download
Fifth_and_Sixth_Grade_Implementation_Resources_kQ9yNB1.pdf
0 bytes

Click to Download
quick-guide-se-marginalized-final.pdf
0 bytes

Click to Download
SEL-as-Lever-for-Equity-Slides.pdf
0 bytes

Click to Download
Using-Data-to-Support-and-Communicate-Effectively-about-SEL.pdf
0 bytes

Click to Download
CASEL's New Definition of SEL- What You Need to Know.pdf
0 bytes

Click to Download
Part-5-SEL-as-Lever-Equity_-July-24.pdf
0 bytes

Click to Download
ADL_Anti_Bias_Lessons.pdf
0 bytes

Click to Download
We Can't Talk About Racism Without Social Emotional Skills - Future Focused Education.pdf
0 bytes

Click to Download
20210811-how-sell-sel-parents-and-politics-social-emotional-learning.pdf
0 bytes

Click to Download
second-step-k12-teaching-tolerance-alignment-chart.pdf
0 bytes

Click to Download
casel-cfc-covid19-response-plan-brief.pdf
0 bytes

AMERICAN OVERSIGHT

Click to Download
Goal_Worksheets_11.pdf
0 bytes

Click to Download
Let_students_identify_themselves_on_the_first_day_of_class__Ask_them_to_fill_out_index_cards_with_their_preferred_name_and_pronouns__then_be_sure_to_update_the_class_list_and_share_that_list_when_there_s_a_subst.pdf
0 bytes

Sent from my iPhone

--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

Take a step back, however, and these circles closely resemble group therapy. Consider a few example questions that one author at Edutopia suggests:

- How does the state of your mental health affect you as a person?
- What do you do to relieve stress?
- Who would you like to forgive?

And now compare those to a few recommended questions at a counseling center:

- How do you think your negative thoughts influence your behavior?
- What are some things that make you feel stressed? How are you coping with these things?
- Is there anyone in your life you're struggling to forgive? Why?

The questions grow increasingly personal with time. One guide in San Francisco encourages teachers to ask questions that are "edgy" and "controversial." My graduate training incorporated them, during which our instructors encouraged us to share personal stories about any trauma that we'd faced. Needless to say, being compelled to disclose such intimate details of my life with complete strangers was an uncomfortable experience.

We should all want mental health care and structured, emotional support for students who need it. But deputizing teachers into a role far beyond their expertise runs into several problems that violate the American Psychological Association's "Code of Ethics." And it could lead to disastrous outcomes.

The code begins with the exhortation that psychologists only "provide services, teach, and conduct research...within the boundaries of their competence." Counselors generally need at minimum a master's degree and hundreds of hours of supervised experience before they take on individual, group, or family therapy. While teachers have more background in child psychology than the average citizen, it pales in comparison to that of a trained, licensed psychologist.

While student teaching, at the behest of my teacher prep program, I made such circle conversations a semi-regular part of the classroom. One day, a student shared in the presence of his bullies that he had considered suicide. It was a dangerously volatile scenario, one that my handful of professional development sessions did not come close to preparing me for.

AMERICAN OVERSIGHT

VA-22-0316-A-000437

About VDOE
Board of Education
News
Superintendent's & Principals' Memos
For Families & Students
Education Directories
Standards of Learning (SOL) & Testing
Instruction
Special Education
Early Childhood
Student & School Support
Teaching in Virginia
Federal Programs
Statistics & Reports
Information Management
School Finance

SOCIAL EMOTIONAL LEARNING (SEL)

Page Contents

- Virginia's Vision for Social Emotional Learning
- Virginia's Definition of Social Emotional Learning
- Virginia's SEL Guidance Standards
- Core SEL Competencies
- Positive Impact of SEL
- SEL Resources

Virginia's Vision for Social Emotional Learning

The Virginia Department of Education's social emotional learning (SEL) efforts are driven by our commitment to ensure that every student in Virginia attends a school that maximizes their potential and prepares them for the future: academically, socially, and emotionally. Virginia's vision for SEL is intended to center equity in this work, which is key to VDOE's vision and mission.

> *"The vision of social emotional learning in Virginia is to maximize the potential of all students and staff to become responsible, caring and reflective members of our diverse society by advancing equity, uplifting student voice, and infusing SEL into every part of the school experience."*

Virginia's Definition of Social Emotional Learning

If you use Casel Virginia's definition doesn't matter

To meet this vision, the VDOE established a uniform definition of social emotional learning based on the Collaborative for Academic, Social, and Emotional Learning (CASEL) definition. Virginia defines social emotional learning as:

> *"The process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions."*

Social emotional learning begins at home and continues through adulthood. Embedding SEL intentionally in school culture advances the work that begins and continues at home.

AMERICAN OVERSIGHT
VA-22-0316-A-000438

7:54

Social Emotional Wellness Quick Guides

...portant information and resources for school communities.

Considerations for Teachers and School Staff (PDF)



Resources include:

- Supporting Self-Care for Educators During COVID-19
- Social Emotional Learning (SEL) Learning for Educators Toolkit
- How to Support Teachers Emotional Needs Right Now

Considerations for Military-Connected Learners (PDF)



Resources include:

- State and Federal Resources for Military Families (PDF)

Considerations for Early Learners (PDF)



Resources include:

- Early Learners Book Nook for Dealing with Big Emotions (PDF)
- My Individual Action Plan (PDF)
- Common Reactions and How to Help (PDF)

AMERICAN OVERSIGHT

Considerations for Students with Disabilities (PDF)

Resources include:

- Social Stories and Communication Tools (PDF)



Considerations for Youth in Marginalized Groups (PDF)

Resources include:

- Addressing Race and Trauma in the Classroom
- Understanding Implicit Bias



Considerations for Parents and Caregivers (PDF)

Resources include:

- Parent Resources for Cyber-Bullying (PDF)
- Activities and Learning at Home Resources (PDF)
- Common Reactions and How to Respond (PDF)
- Talking to Children about COVID-19 (PDF)
- Children Coping Resources (PDF)



AMERICAN OVERSIGHT
VA-22-0316-A-000440

are valued

Culturally Responsive Educators

-Reflect on their own cultural lens.

-Model high expectations for all students.

-Promote respect for student differences.

-Recognize and redress bias in the system.

-Challenge stereotypes, prejudices, racism, and other forms of intolerance, and oppression.

-Are change agents for social justice and academic equity.

-Cultivate relationships beyond the classroom anchored in affirmation, mutual respect and validation.

-Engage in reflection of their beliefs, behaviors and practices.

-Communicate in linguistically and culturally responsive ways.

AMERICAN OVERSIGHT

8:04

www.doe.virginia.gov

Education
endent's &
s' Memos
ities & Students
n Directories
ds of Learning
Testing
on
Education
ildhood
& School
in Virginia
Programs
& Reports
ion
ment
inance

ASSESSING, RECOVERING, NURTURING & SUCCEEDING

Navigating Virginia Education in Uncertain Times



A year into the COVID-19 pandemic the VDOE brought together a variety of stakeholders - the Virginia LEARNS workgroup - to use information collected and compiled from many sources to create a guidance document for school divisions. The workgroup focused on equity, wellbeing, and instructional issues including curriculum, assessment and remediation, recovery and interventions.

As schools reopen and develop plans for summer programs and the 2021-22 school year, keen attention needs to be given to addressing learning gaps exacerbated by the pandemic and to the mental health needs of students and staff. Understanding that all of our programs need to ensure equity, the checkpoints and resources below will assist leaders and staff as they consider guiding questions, assess and allocate available resouUrces, and deploy plans to meet the needs of *all* students.

The resources provided here build upon the Recover, Redesign, Restart 2020 work. Stakeholders are also encouraged to refer to the department's School Reopening Frequently Asked Questions, a resource aligned with the interim CDC guidance for schools and serves as a recommendation for Virginia schools to mitigate risks associated with COVID-19.

Virginia Le
Career & T
Computer
Character
Driver Educ
Economics
English & R
Family Life
Fine Arts
Health Edu
History & S
Mathemati
Physical Ed
Science
STEM
World Lang
Grant Fund
Calendar
Specializ
Adult Educ
Alternative
Charter Sc
English Lea
Gifted Edu
Governor's
Homebou

AMERICAN OVERSIGHT

Virginia LEARNS ON-THE-GO!

Virginia LEARNS is now available wherever you are! Simply use this handy one-sheet to navigate to key sections of this valuable resource. You can scan the QR code or click any of the icons to get where you need to go. It's just that easy to get the information you need, with Virginia LEARNS ON-THE-GO (PDF)!





Data Dashboard

Feedback from hundreds of stakeholders has been compiled to guide

- Data Dashboard (PDF)



Equity

Aligned with the EdEquityVA work, these links provide guiding questions and action steps to ensure equitable access for ALL students.

- Equity Checkpoint (PDF)
- Equity Considerations (PDF)

AMERICAN OVERSIGHT
VA-22-0316-A-000443



AMERICAN OVERSIGHT

Virginia Guidance SEL Standards

In accordance with HB 753, passed during the 2020 Virginia General Assembly, the Virginia Department of Education (VDOE) established a uniform definition of social-emotional learning and developed the Virginia Guidance SEL Standards for all public students in grades Kindergarten through 12 in the Commonwealth.

You do not have to use Transformative SEL- until we change legislation there ARE other options

Core SEL Competencies

All through a lens of equity and social Justice!

There are five core social emotional learning competencies that address broad and interrelated areas of competence. These SEL competencies can be taught and applied at various developmental stages from childhood to adulthood and across diverse cultural contexts.



Self-awareness: The abilities to understand one's own emotions, thoughts, and values and how they influence behavior across contexts.



Self-management: The abilities to manage one's emotions, thoughts, and behaviors effectively in different situations and to achieve goals and aspirations.



Social awareness: The abilities to understand the perspectives of and empathize with others, including those from diverse backgrounds, cultures, and contexts.



Relationship skills: The abilities to establish and maintain healthy and supportive relationships and to effectively navigate settings with diverse individuals and groups.



Decision-making: The abilities to make caring and constructive choices about personal behavior and social interactions across diverse situations.

AMERICAN OVERSIGHT

Additional Resources

- VDOE Special Education Resource page for COVID-19 - includes many resources applicable to special education, parents, SEL and more.
- Restart & Recovery: Meeting the Assessment Needs of Students with Disabilities During Times of Interrupted Schooling - CCSSO, June 2021
- Restart & Recovery: Supporting English Learners with Disabilities during Remote Learning & School Reopening - CCSSO, June 2021
- Addressing Disrupted Instruction in the Social Studies: Recommendations on a Matter of Equity and National Importance - CCSSO, June 2021
- Advancing Student Learning and Opportunity Through Voluntary Academic Summer Learning Programs (PDF) - RAND Corporation, May 2021
- 2021 Summer Learning & Enrichment - state guidance from district and school leaders, CCSSO
- *State Plans for Accelerating Student Learning: A Preliminary Analysis* (PDF) - April 21, 2021, CCSSO
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 2: 2021
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 1: 2021
- *Operational Strategy for K-12 Schools through Phased Prevention* - May 15, 2021
- COVID-19 RELIEF FUNDING for K-12 Education - CCSSO, May 2021
- What We've Learned about Unfinished Learning (PDF) - iReady, March 2021
- Estimated 40,000 children have lost a parent to COVID-19 - American Academy of Pediatrics, April 5, 2021
- *Confronting COVID-19-Related Harassment in Schools* (PDF) - U.S. Department of Justice and U.S. Department of Education, May 2021

AMERICAN OVERSIGHT

Top of Page

- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

The VDOE recognizes that in order to implement SEL, preparation and planning is required. There are a number of guides and toolkits available to assist educators in planning for, and implementing social emotional learning at the division and school level:

- CASEL Guide to Schoolwide Social Emotional Learning (CASEL)
- SEL for Educators Toolkit (Transforming Education)
- Three Signature Practices Playbook: A Tool that Supports Systemic SEL (CASEL)
- SEL Integration Approach for Classroom Educators (PDF) (Transforming Education)
- Strategies for Establishing School Family Partnerships (CASEL)
- SEL and Family Partnerships (CASEL)

SEL State Examples

- Wisconsin Department of Public Instruction (DPI) Social-Emotional Learning
- Massachusetts Department of Elementary and Secondary Education: Social and Emotional Learning in Massachusetts
- South Carolina Department of Education Social Emotional Learning

SEL in Action

The VDOE has a number of efforts that support social emotional learning.

- The VDOE Virginia Tiered Systems of Supports (VTSS) offers school divisions the opportunity to build their capacity to utilize a multi-tiered framework (or "way of work") to improve school climate and create effective and supportive learning environment for all students. This framework works through a lens of the whole child concept that aligns academics, behavioral, social and emotional wellness into a single databased decision-making framework.
- The Profile of a Virginia Graduate establishes a new set of expectations - known as the 5 C's: critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health [redacted] tionally

AMERICA OVERSIGHT
VA-22-0316-A-000447

VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

February 23, 2022

The Honorable Glenn Youngkin
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

The Honorable Aimee Guidera
Secretary of Education
P.O. Box 1475
Richmond, VA 23218

Dear Governor Youngkin and Secretary Guidera:

Executive Order One charged the Superintendent of Public Instruction (SOPI) to begin the work of identifying and addressing inherently divisive concepts - including "Critical Race Theory and its progeny" - in public education. It defined "inherently divisive concepts" to mean "advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964." Specifically, Executive Order One required the SOPI to identify policies, programs, training or curricula that fall within the definition of divisive concepts. I respectfully submit this interim report to you and the Citizens of Virginia.

This interim report rescinds certain policies, programs, and resources that promote discriminatory and divisive concepts as directed by Executive Order One. It also contains a sampling of critical race theory-based materials. However, the concepts have become widespread in the Virginia Department of Education (VDOE) and in Virginia school divisions and we will need to proactively review policies, practices, and pedagogies around the state to uphold the Civil Rights Act and comport with Executive Order One. We must continue to ensure that no student in Virginia is taught to judge or treat others differently solely on the basis of their race, skin color, ethnicity, sex or faith. As the work continues, we will engage stakeholders in an ongoing dialogue about how all resources and initiatives from the Virginia Department of Education must permit and encourage school divisions to build a culture of compassion, acceptance, opportunity, and positive change.

The Civil Rights Act codified the principles of equal protection and nondiscrimination found in the 14th Amendment, principles that all Virginians and Americans hold dear and wish to see passed on to the next generation. With this interim report, along with another at the 90-day mark, we want to spur productive dialogue across the commonwealth and create a teachable moment for us all - educators, the Citizens of Virginia, and concerned American parents.

Sincerely,

Balow

Jillian Balow

JB/jgh

AMERICAN OVERSIGHT

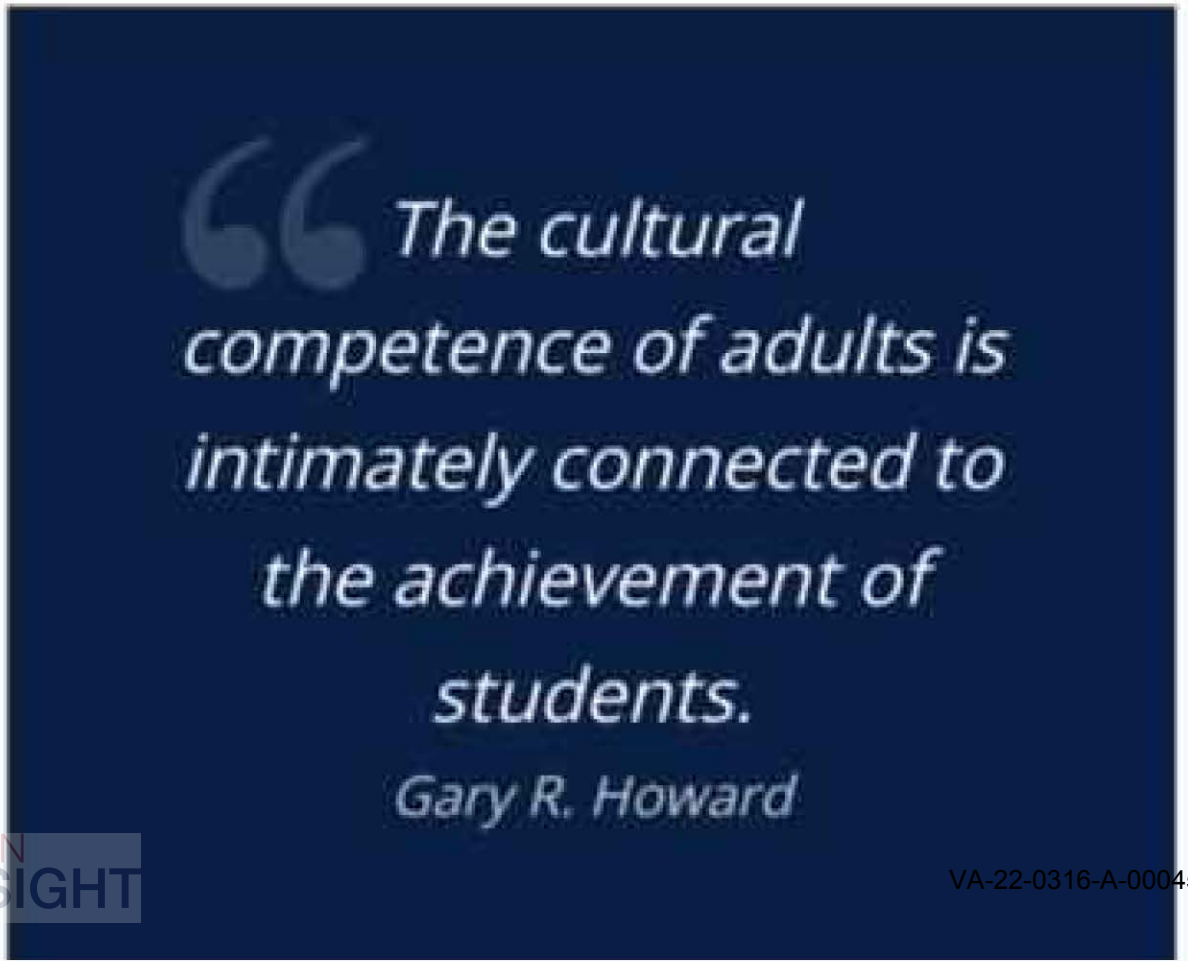
APPENDIX A: RESCISSIONS & MODIFICATIONS OF PROGRAMS, POLICIES, MATERIALS

			• Promotes and permits teaching and leading social justice, systemic inequality, and anti-racist policies in ways that are consistent with critical race theory and without offering alternatives. • Shifts school culture from excellence and opportunity to equitable outcomes for all students.	
Rescinded	All Resources Included on VDOE's Culturally Responsive Website[iv]	Rescinded 2/15/22 or in-progress	• This is a resource included in EdEquityVA • The resources contain concepts that may be divisive and need to be reviewed in stakeholders. • Divisive concepts taught in the training including (but are not limited to): "redress" bias in the system; include "culturally responsive" efficacy in teacher evaluation; mitigate power imbalances; develop policy to advance "anti-racism;" be change agents for social justice and academic equity. • Generally promotes academic equity of outcomes versus equity of opportunities for all learners. • Advances using current discrimination to address previous discrimination. (Treating people differently based on race – to remedy previous discrimination.) • Evaluation of viable alternatives is underway and stakeholder groups will be engaged.	Y (link iv below)
Rescinded	Superintendent's Memo #050-19	Replaced on 11/19/21 and Rescinded 2/23/22	• The original memo was replaced by a memo with a disclaimer about CRT. • Reading lists advance the use of CRT in education.	Y (attached example C)
Rescinded	"Teaching 9/11"[v] EdEquityVA Web Series	Rescinded 9/2/22 in response to public criticism	• Included in this list to establish VDOE and the "commitment to equity" and equitable outcomes prior to January 15, 2022.	Y (link v below) Time: 12:25
Parts rescinded and evaluating	Virginia L.E.A.R.N.S.[vi]	Rescinded 2/15/22	• Substantial focus on building an equitable culture to remedy the learning loss caused by COVID-19 and school closures. • "Equity checkpoints" are similar or identical to EdEquityVA audit tool and other resources. It states, "Education Equity is achieved when we	Y (link vi below)

AMERICAN OVERSIGHT

Culturally Responsive and Inclusive Practice

541 Shares - Share This Page



AMERICAN OVERSIGHT
VA-22-0316-A-000450

practice among Virginia's educator workforce is critical to ensuring inclusive learning environments and equitable outcomes for all students. Our strategy will focus on the following tactics as the primary vehicles for **Increasing the Cultural Competency of Virginia's Educator Workforce:**

- Increasing Teacher Diversity
- Supporting Culturally Relevant Teaching Pedagogy
- Enhancing Teacher Preparation
- Amending Licensure Requirements to include Cultural Competency
- Developing new Professional Learning Opportunities
- Supporting Courageous Leaders
- Revising Educator Evaluation to include Cultural Competency Efficacy
- Incorporating Cultural Responsiveness and Inclusion into School Climate Evaluation

AMERICAN OVERSIGHT

Defining Culturally Responsive Practice for Virginia Educators

Establishing expectations for culturally responsive practice among Virginia's educator workforce is critical to supporting the effective delivery of professional development. These expectations are framed into four quadrants that represent practices at the following critical levels: (1) culturally responsive schools, (2) culturally responsive leadership, (3) culturally responsive educators, and (4) culturally responsive pedagogy.

These four leverage points represent components of the educational ecosystem that can be transformed by culturally responsive practices to better serve students historically marginalized by race. Defining what culturally responsive practices look like in these four levels also aids in identifying data points, situating student outcomes through an equity lens supported by culturally responsive pedagogies, identifying capacity building needs, and creating spaces for continuous community input and support.

AMERICAN OVERSIGHT

As the creators of the most widely cited SEL definitions, CASEL now sees a need to clarify what's necessary to achieve the vision of SEL for all educators, adults and young people. We've updated our definition and framework to pay close attention to how SEL affirms the identities, strengths and experiences of all children, including those who have been marginalized in our education systems. CASEL has continued to highlight the importance of enhancing the social-emotional competence of all young people and adults, while putting additional emphasis on how we can all learn and work together to create caring and just schools and communities.

CASEL's Definition of SEL (2020 Update):

AMERICAN OVERSIGHT

CASEL's Definition of SEL (2020 Update):

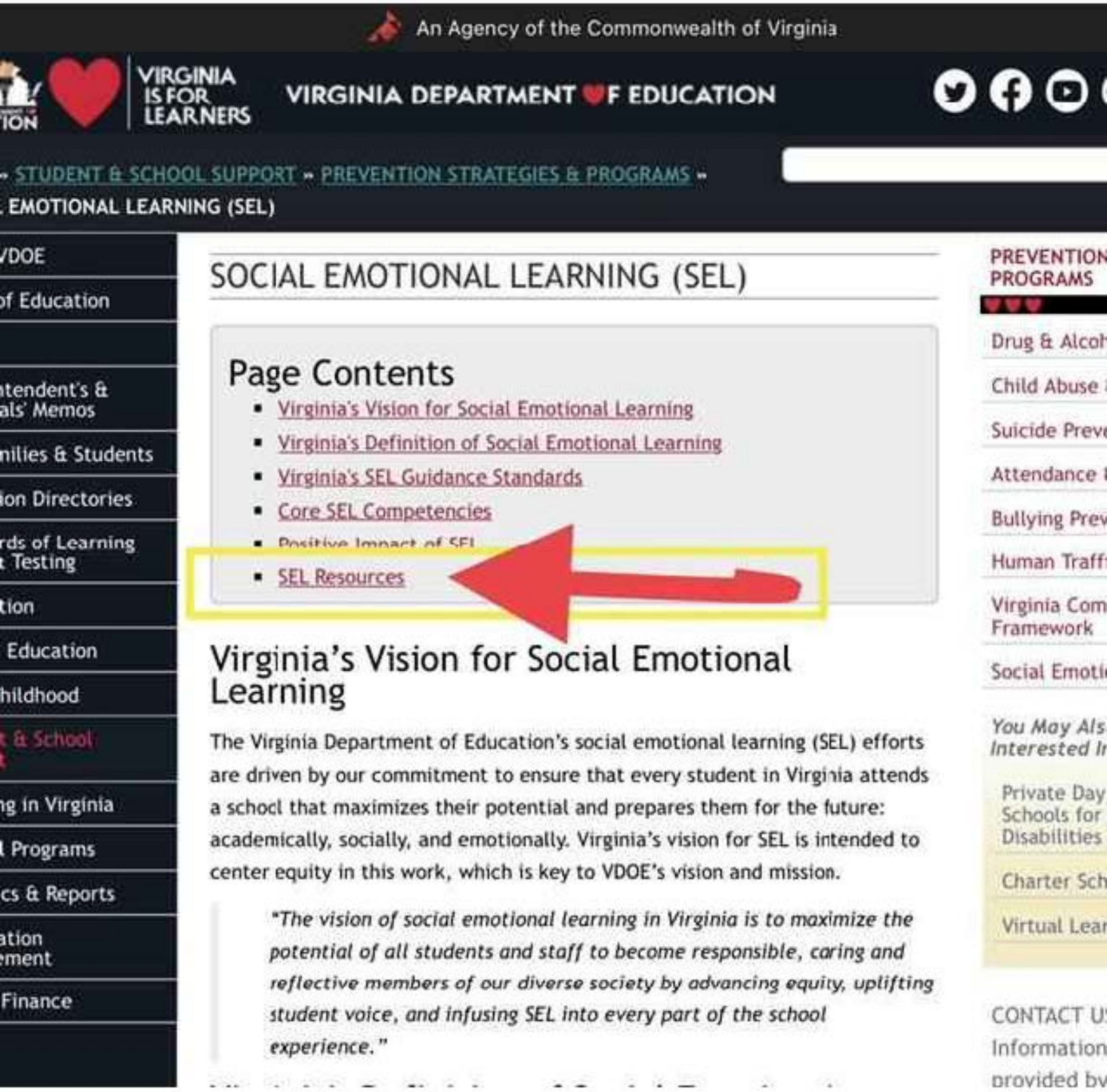
"Social and emotional learning (SEL) is an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.

AMERICAN OVERSIGHT

SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities."

As we continuously learn and refine our

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

- Improvements in reading comprehension

SEL Resources

Equity

- SEL can be an effective tool for creating caring, just, inclusive, and healthy communities that support all individuals in reaching their fullest potential:
  - Equity and SEL Resources (CASEL)
  - Integrating Equity into SEL Infographic (PDF)

Trauma Informed Practices

- SEL and trauma informed practices share the goal of helping students develop social and emotional competencies so they may respond successfully to the challenges of the world they live in.

Supporting English Language Learners

- Social Emotional Learning and Support for English Learners (recorded webinar) - The VDOE created a video to explore the ways that SEL can support the needs of English Language learners in Virginia.

Schoolwide SEL

- Indicators of Schoolwide SEL
- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

AMERICAN OVERSIGHT

components of schoolwide SEL.

Planning Resources

The VDOE recognizes that in order to implement SEL, preparation and planning is required. There are a number of guides and toolkits available to assist educators in planning for, and implementing social emotional learning at the division and school level:

- CASEL Guide to Schoolwide Social Emotional Learning (CASEL)
- SEL for Educators Toolkit (Transforming Education)
- Three Signature Practices Playbook: A Tool that Supports Systemic SEL (CASEL)
- SEL Integration Approach for Classroom Educators (PDF) (Transforming Education)
- Strategies for Establishing School Family Partnerships (CASEL)
- SEL and Family Partnerships (CASEL)

SEL State Examples

- Wisconsin Department of Public Instruction (DPI) Social Emotional Learning
- Massachusetts Department of Elementary and Secondary Education: Social and Emotional Learning in Massachusetts
- South Carolina Department of Education Social Emotional Learning

SEL in Action

The VDOE has a number of efforts that support social emotional learning.

- The VDOE Virginia Tiered Systems of Supports (VTSS) offers school divisions the opportunity to build their capacity to utilize a multi-tiered framework (or "way of work") to improve school climate and create effective and supportive learning environment for all students. This framework works through a lens of the whole child concept that aligns academics, behavioral, social and emotional wellness into a single databased decision-making framework.
- The Profile of a Virginia Graduate establishes a new set of expectations - known as the 5 C's : critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health Education Standards of Learning (SOL) intentionally include social emotional skills to build K-12 student's mental wellness skills - emotional development, self-concept and social competence.
- The revised *Model Guidance for Positive and Preventive Code of Student Conduct Policy and Alternatives to Suspension* integrates SEL practices into prevention and intervention as a means of reducing exclusionary discipline practices and removing disparity in the use of suspension and expulsion.
- The purpose of Kindness Week is to recognize that simple day-to-day acts of kindness enable our schools, communities, and state to be a kinder, safer, healthier, and more inclusive place to live, work, learn, and play. By promoting kindness, we are promoting inclusivity by extending an opportunity for grace, empathy, dignity, and acceptance across Virginia.

AMERICAN OVERSIGHT
VA-22-0316-A-000458

opportunity for grade, simplicity, virginia, and acceptance across virginia.

Learning during Uncertain Times

During the 2019-2020 and 2020-2021 school years, the effects of COVID-19 created prolonged disruption to the school and home routines.

Virginia LEARNS



The Virginia LEARNS initiative is about to take you on a journey to successful educational outcomes during uncertain times. The Student and Staff Wellbeing Checkpoint is the essential first-step consideration before embarking on the trip. The focus is on the social emotional wellness and physical health needs of our students, families, and staff. It will be critical to re-engage students in learning, rebuild relationships and school communities, and create equitable learning environments for all students.

CASEL CARES Initiative

CASEL

CASEL CARES INITIATIVE
Connecting the SEL Community

The CASEL CARES Initiative connects each of you in our global community with experts to address how SEL can be most helpful in response to today's circumstances. This site contains a variety of free resources as well as access to free weekly webinars to support educators. The site also features the *Reunite, Renew, Thrive: SEL Roadmap to Reopening School* (July 2020). The guide was developed as schools began to re-open and to illuminate a way forward with social and emotional learning that is centered on relationships and built on the existing strengths of a school community.

AMERICAN OVERSIGHT

A Systemic Approach to SEL Implementation



As exemplified by CASEL's infographic (© CASEL, All Rights Reserved), SEL implementation requires a systemic approach that emphasizes the importance of establishing equitable learning environments and coordinating practices across key settings of classroom, schools, families, and communities to enhance all students' social, emotional, and academic learning. Effective implementation integrates SEL throughout the school's academic curricula and culture, across the broader contexts of schoolwide practices and policies, and through ongoing collaboration with families and community organizations. These coordinated efforts should foster youth voice, agency, and engagement; establish supportive classroom and school climates and approaches to discipline; enhance adult SEL competence; and establish authentic family and community

The lens of equity

Positive Impact of SEL

The research on the impact of social emotional learning[1] demonstrates that SEL programming has a positive impact on academic performance, school attendance, disciplinary outcomes, and mental wellness. SEL lays the groundwork to create a safe and positive learning environment for students and adults, which allows for relationship building, collaboration, cultural competency, and critical decision-making. Research has shown that students participating in evidence-based SEL programs have:

- Improved classroom attitudes and behavior:
  - Better sense of community
  - More class participation
  - Stronger pro-social skills
  - Improved attendance
  - Better understanding of consequences
  - Better coping skills
  - Increased attitude toward school and learning
- Improved school performance:
  - Higher achievement test scores (+14%) and higher grades (+11%)
  - Improved metacognition skills
  - Improved problem-solving, planning, and reasoning skills
  - Improvements in reading comprehension

SEL Resources

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/16/2022 5:59:36 PM
To: "Charles Pyle" <charles.pyle@doe.virginia.gov>
Cc: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: VDOE SEL site info we discussed

Attachments: image0.jpeg , image1.jpeg , image2.jpeg , image3.jpeg , image4.jpeg , image5.jpeg , image6.jpeg , image7.jpeg , image8.jpeg , image9.jpeg , image10.jpeg , image11.jpeg , image22.jpeg , image23.jpeg , image24.jpeg , image25.jpeg , image26.jpeg , image17.jpeg , image18.jpeg , image19.jpeg , image20.jpeg , image21.jpeg

---

I am not sure who this parent is, but I may have met her at a the Governor's charity game or some other recent Richmond-area event.
Elizabeth

---------- Forwarded message ---------
From: **Anne Taydus** <anneelizabethcraft@yahoo.com>
Date: Wed, Mar 16, 2022 at 5:32 PM
Subject: VDOE SEL site info we discussed
To: <elizabeth.schultz@doe.virginia.gov>

Download full resolution images
Available until Apr 15, 2022

Ms. Schultz, I hope Chesterfield is treating you well! I put the jotform together if you would like the links. I told the team to grant you access. I put them all there specifically for you. So here is a copy of the link so you can have access to them. I was going to put a an entire presentation together on PowerPoint for tomorrow but developing a non profit and yesterday's sexual assault at a Thomas Dale high school have been at the top of my list

So unfortunately I have a million pieces I was going to put into a power point but with it being the end of Wednesday I wanted to get them at least sent out separately together for you. The screenshots are the extremely problematic areas. The videos are from the links on the VDOE SEL site as are the documents

If you have questions my cell is 8043329939
And I will be there to speak in the morning.
Anne Taydus

https://youtu.be/-E-Up9_mOW4 SEL equity

https://youtu.be/b0hbELIHkUs. Reading. Casel

https://youtu.be/dlpeymIXuIE. Data science

https://youtu.be/ye80s0SJHqQ - sel support. Ideas. Equity driven.

https://youtu.be/5XWGp5EJDyw Culturally relevant advisory committee
https://youtu.be/RkDMOdZhaK4

Vdoe pbs source social awareness https://www.pbslearningmedia.org/resource/social-awareness-social-emotional-learning/social-emotional-learning-video/

Relationship skills https://www.pbslearningmedia.org/resource/relationship-skills-social-emotional-learning/social-emotional-learning-video/

Positive impact if SEL per VDOE -> CASEL
https://casel.org/fundamentals-of-sel/what-does-the-research-say/

Vdoe SEL and equity. https://ies.ed.gov/ncee/edlabs/infographics/pdf/REL_MW_Integrating_a_Focus_on_Equity_into_Social_and_Emotional_Learning.pdf

Casel SEL equity https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/

Casel. SEL equity fighting racism https://youtu.be/UPWrnBA2274
https://youtu.be/DPFMfultXSY
https://youtu.be/m3yHe45dipA
https://youtu.be/JphZpROqUsw

Urgency for equity CASEL https://youtu.be/R5XsfrWwCsc

Trauma SEL. https://youtu.be/-LsceUH3i0o

Casel. SEL and equity https://schoolguide.casel.org/what-is-sel/equity-and-sel/

Transforming identity https://youtu.be/PpsswKB269U

5cs
http://www.virginiaisforlearners.virginia.gov/media-library/

https://youtu.be/f4JUFe5wblo
Critical thinking. https://youtu.be/lhNnactbvUU

Vdoe data dashboard https://www.doe.virginia.gov/instruction/learns/virginia-learns.pdf#page=8

SEL resource library https://padlet.com/sarah_bazemore1/VAis4SEL

WHAT SEL DOES TO CHILDREN
https://youtu.be/lDtGw8Ss-VA

Why SEL must be in all schools https://www.lessonsforsel.com/post/why-every-school-must-have-a-social-emotional-learning-plan-prior-to-reopening

Responsive classroom https://youtube.com/user/responsiveclassroom

Identity https://padlet-uploads.storage.googleapis.com/418766834/23c8a5753630256d78a78e300c94d1cc/Let_students_identify_themselves_on_the_first_day_of_class__Ask_them_to_fill_out_index_cards_with_their_preferred_name_and_pronouns__then_be_sure_to_update_the_class_list_and_share_that_list_when_there_s_a_subst.pdf

AMERICAN OVERSIGHT

What is restorative Justice http://www.restorativeresources.org/uploads/5/6/1/4/56143033/rj_what_it_is_and_is_not.pdf

Learning for Justice https://www.learningforjustice.org/classroom-resources/lessons

Empathy
https://padlet-uploads.storage.googleapis.com/418766834/3d117d43e4d2beb0f7cb5e9e9b7c4bd1/StartEmpathy_Toolkit.pdf

Anti bias lessons https://padlet-uploads.storage.googleapis.com/418766834/69796a8dec60d6beac02c35f595e075f/ADL_Anti_Bias_Lessons.pdf

Casel sample teaching https://casel.s3.us-east-2.amazonaws.com/Sample-Teaching-Activities-to-Support-Core-Competencies.pdf

Using data https://dataqualitycampaign.org/wp-content/uploads/2018/10/Using-Data-to-Support-and-Communicate-Effectively-about-SEL.pdf

Rate yourself https://padlet-uploads.storage.googleapis.com/418766834/59aed16eefcb4a4f9193f79f977af563/Goal_Worksheets_11.pdf

More data collection https://www.closegap.org/

Goopenva https://goopenva.org/groups/?f.search=Social+Emotional+Learning

Goopenva. Riot language https://microsite-vadoe-prod.s3.amazonaws.com/media/courseware/relatedresource/file/A_Riot_is_the_Language_of_the_Unheard_ruon6Qy.pdf

Goopenva history of racism https://goopenva.org/courseware/lesson/3851/overview

SEL IN ADVANCING EQUITY - same woman who does Antiracism https://youtu.be/wn6HeVlzr20

Transformative SEL https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/transformative-sel/

Click to Download
SEL-EQUITY-LENS.pdf
0 bytes

Click to Download
Frameworks-Equity.pdf
0 bytes

Click to Download
A_Riot_is_the_Language_of_the_Unheard_ruon6Qy.pdf
0 bytes

Click to Download
ADL_Anti_Bias_Lessons.pdf
0 bytes

Click to Download
virginia-learns.pdf
0 bytes

Click to Download
AdvancingEquityESSA.pdf
0 bytes

Click to Download
All_slides___VCASE_Social_Emotional_Wellness_for_Teachers.pdf
0 bytes

Click to Download
Fifth_and_Sixth_Grade_Implementation_Resources_kQ9yNB1.pdf
0 bytes

AMERICAN OVERSIGHT

Click to Download
quick-guide-se-marginalized-final.pdf
0 bytes

Click to Download
SEL-as-Lever-for-Equity-Slides.pdf
0 bytes

Click to Download
Using-Data-to-Support-and-Communicate-Effectively-about-SEL.pdf
0 bytes

Click to Download
CASEL's New Definition of SEL- What You Need to Know.pdf
0 bytes

Click to Download
Part-5-SEL-as-Lever-Equity_-July-24.pdf
0 bytes

Click to Download
ADL_Anti_Bias_Lessons.pdf
0 bytes

Click to Download
We Can't Talk About Racism Without Social Emotional Skills - Future Focused Education.pdf
0 bytes

Click to Download
20210811-how-sell-sel-parents-and-politics-social-emotional-learning.pdf
0 bytes

Click to Download
second-step-k12-teaching-tolerance-alignment-chart.pdf
0 bytes

Click to Download
casel-cfc-covid19-response-plan-brief.pdf
0 bytes

Click to Download
Goal_Worksheets_11.pdf
0 bytes

Click to Download
Let_students_identify_themselves_on_the_first_day_of_class__Ask_them_to_fill_out_index_cards_with_their_preferred_name_and_pronouns__then_be_sure_to_update_the_class_list_and_share_that_list_when_there_s_a_subst.pdf
0 bytes

AMERICAN OVERSIGHT

Sent from my iPhone
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

About VDOE
Board of Education
News
Superintendent's & Principals' Memos
For Families & Students
Education Directories
Standards of Learning (SOL) & Testing
Instruction
Special Education
Early Childhood
Student & School Support
Teaching in Virginia
Federal Programs
Statistics & Reports
Information Management
School Finance

SOCIAL EMOTIONAL LEARNING (SEL)

Page Contents

- Virginia's Vision for Social Emotional Learning
- Virginia's Definition of Social Emotional Learning
- Virginia's SEL Guidance Standards
- Core SEL Competencies
- Positive Impact of SEL
- SEL Resources

Virginia's Vision for Social Emotional Learning

The Virginia Department of Education's social emotional learning (SEL) efforts are driven by our commitment to ensure that every student in Virginia attends a school that maximizes their potential and prepares them for the future: academically, socially, and emotionally. Virginia's vision for SEL is intended to center equity in this work, which is key to VDOE's vision and mission.

> *"The vision of social emotional learning in Virginia is to maximize the potential of all students and staff to become responsible, caring and reflective members of our diverse society by advancing equity, uplifting student voice, and infusing SEL into every part of the school experience."*

Virginia's Definition of Social Emotional Learning

If you use Casel Virginia's definition doesn't matter

To meet this vision, the VDOE established a uniform definition of social emotional learning based on the Collaborative for Academic, Social, and Emotional Learning (CASEL) definition. Virginia defines social emotional learning as:

> *"The process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions."*

Social emotional learning begins at home and continues through adulthood. Embedding SEL intentionally in school culture advances the work that begins and continues at home.

AMERICAN OVERSIGHT
VA-22-0316-A-000465

7:54

Social Emotional Wellness Quick Guides

...portant information and resources for school communities.

Considerations for Teachers and School Staff (PDF)



Resources include:

- Supporting Self-Care for Educators During COVID-19
- Social Emotional Learning (SEL) Learning for Educators Toolkit
- How to Support Teachers Emotional Needs Right Now

Considerations for Military-Connected Learners (PDF)



Resources include:

- State and Federal Resources for Military Families (PDF)

Considerations for Early Learners (PDF)



Resources include:

- Early Learners Book Nook for Dealing with Big Emotions (PDF)
- My Individual Action Plan (PDF)
- Common Reactions and How to Help (PDF)

AMERICAN OVERSIGHT

Considerations for Students with Disabilities (PDF)

Resources include:

- Social Stories and Communication Tools (PDF)



Considerations for Youth in Marginalized Groups (PDF)

Resources include:

- Addressing Race and Trauma in the Classroom
- Understanding Implicit Bias



Considerations for Parents and Caregivers (PDF)

Resources include:

- Parent Resources for Cyber-Bullying (PDF)
- Activities and Learning at Home Resources (PDF)
- Common Reactions and How to Respond (PDF)
- Talking to Children about COVID-19 (PDF)
- Children Coping Resources (PDF)



AMERICAN OVERSIGHT
VA-22-0316-A-000467

are valued

Culturally Responsive Educators

-Reflect on their own cultural lens.

-Model high expectations for all students.

-Promote respect for student differences.

-Recognize and redress bias in the system.

-Challenge stereotypes, prejudices, racism, and other forms of intolerance, and oppression.

-Are change agents for social justice and academic equity.

-Cultivate relationships beyond the classroom anchored in affirmation, mutual respect and validation.

-Engage in reflection of their beliefs, behaviors and practices.

-Communicate in linguistically and culturally responsive ways.

AMERICAN OVERSIGHT

8:04

www.doe.virginia.gov

ASSESSING, RECOVERING, NURTURING & SUCCEEDING

Navigating Virginia Education in Uncertain Times



A year into the COVID-19 pandemic the VDOE brought together a variety of stakeholders - the Virginia LEARNS workgroup - to use information collected and compiled from many sources to create a guidance document for school divisions. The workgroup focused on equity, wellbeing, and instructional issues including curriculum, assessment and remediation, recovery and interventions.

As schools reopen and develop plans for summer programs and the 2021-22 school year, keen attention needs to be given to addressing learning gaps exacerbated by the pandemic and to the mental health needs of students and staff. Understanding that all of our programs need to ensure equity, the checkpoints and resources below will assist leaders and staff as they consider guiding questions, assess and allocate available resouUrces, and deploy plans to meet the needs of *all* students.

The resources provided here build upon the Recover, Redesign, Restart 2020 work. Stakeholders are also encouraged to refer to the department's School Reopening Frequently Asked Questions, a resource aligned with the interim CDC guidance for schools and serves as a recommendation for Virginia schools to mitigate risks associated with COVID-19.

AMERICAN OVERSIGHT

VA-22-0316-A-000469

Virginia LEARNS ON-THE-GO!

Virginia LEARNS is now available wherever you are! Simply use this handy one-sheet to navigate to key sections of this valuable resource. You can scan the QR code or click any of the icons to get where you need to go. It's just that easy to get the information you need, with Virginia LEARNS ON-THE-GO (PDF)!





Data Dashboard

Feedback from hundreds of stakeholders has been compiled to guide

- Data Dashboard (PDF)



Equity

Aligned with the EdEquityVA work, these links provide guiding questions and action steps to ensure equitable access for ALL students.

- Equity Checkpoint (PDF)
- Equity Considerations (PDF)



Laboratory S
Technology I
Virtual Learr
Year-Round S

Instruction
Environment
Instruction C
Library & Me
Project-Base
Summer Lea
Textbooks &

Graduation
College & Ca
Graduation I
Virginia Sch

CONTACT U
Information
provided by
of Learning

AMERICAN OVERSIGHT
VA-22-0316-A-000470

Virginia Guidance SEL Standards

In accordance with HB 753, passed during the 2020 Virginia General Assembly, the Virginia Department of Education (VDOE) established a uniform definition of social-emotional learning and developed the Virginia Guidance SEL Standards for all public students in grades Kindergarten through 12 in the Commonwealth.

You do not have to use Transformative SEL- until we change legislation there ARE other options

Core SEL Competencies

All through a lens of equity and social Justice!

There are five core social emotional learning competencies that address broad and interrelated areas of competence. These SEL competencies can be taught and applied at various developmental stages from childhood to adulthood and across diverse cultural contexts.



Self-awareness: The abilities to understand one's own emotions, thoughts, and values and how they influence behavior across contexts.



Self-management: The abilities to manage one's emotions, thoughts, and behaviors effectively in different situations and to achieve goals and aspirations.



Social awareness: The abilities to understand the perspectives of and empathize with others, including those from diverse backgrounds, cultures, and contexts.



Relationship skills: The abilities to establish and maintain healthy and supportive relationships and to effectively navigate settings with diverse individuals and groups.



Decision-making: The abilities to make caring and constructive choices about personal behavior and social interactions across diverse situations.

AMERICAN OVERSIGHT

Additional Resources

- VDOE Special Education Resource page for COVID-19 - includes many resources applicable to special education, parents, SEL and more.
- Restart & Recovery: Meeting the Assessment Needs of Students with Disabilities During Times of Interrupted Schooling - CCSSO, June 2021
- Restart & Recovery: Supporting English Learners with Disabilities during Remote Learning & School Reopening - CCSSO, June 2021
- Addressing Disrupted Instruction in the Social Studies: Recommendations on a Matter of Equity and National Importance - CCSSO, June 2021
- Advancing Student Learning and Opportunity Through Voluntary Academic Summer Learning Programs (PDF) - RAND Corporation, May 2021
- 2021 Summer Learning & Enrichment - state guidance from district and school leaders, CCSSO
- *State Plans for Accelerating Student Learning: A Preliminary Analysis* (PDF) - April 21, 2021, CCSSO
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 2: 2021
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 1: 2021
- *Operational Strategy for K-12 Schools through Phased Prevention* - May 15, 2021
- COVID-19 RELIEF FUNDING for K-12 Education - CCSSO, May 2021
- What We've Learned about Unfinished Learning (PDF) - iReady, March 2021
- Estimated 40,000 children have lost a parent to COVID-19 - American Academy of Pediatrics, April 5, 2021
- *Confronting COVID-19-Related Harassment in Schools* (PDF) - U.S. Department of Justice and U.S. Department of Education, May 2021

AMERICAN OVERSIGHT

Top of Page

- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

The VDOE recognizes that in order to implement SEL, preparation and planning is required. There are a number of guides and toolkits available to assist educators in planning for, and implementing social emotional learning at the division and school level:

- CASEL Guide to Schoolwide Social Emotional Learning (CASEL)
- SEL for Educators Toolkit (Transforming Education)
- Three Signature Practices Playbook: A Tool that Supports Systemic SEL (CASEL)
- SEL Integration Approach for Classroom Educators (PDF) (Transforming Education)
- Strategies for Establishing School Family Partnerships (CASEL)
- SEL and Family Partnerships (CASEL)

SEL State Examples

- Wisconsin Department of Public Instruction (DPI) Social-Emotional Learning
- Massachusetts Department of Elementary and Secondary Education: Social and Emotional Learning in Massachusetts
- South Carolina Department of Education Social Emotional Learning

SEL in Action

The VDOE has a number of efforts that support social emotional learning.

- The VDOE Virginia Tiered Systems of Supports (VTSS) offers school divisions the opportunity to build their capacity to utilize a multi-tiered framework (or "way of work") to improve school climate and create effective and supportive learning environment for all students. This framework works through a lens of the whole child concept that aligns academics, behavioral, social and emotional wellness into a single databased decision-making framework.
- The Profile of a Virginia Graduate establishes a new set of expectations - known as the 5 C's: critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health [redacted] entionally

AMERICAN OVERSIGHT
VA-22-0316-A-000473

VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

February 23, 2022

The Honorable Glenn Youngkin
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

The Honorable Aimee Guidera
Secretary of Education
P.O. Box 1475
Richmond, VA 23218

Dear Governor Youngkin and Secretary Guidera:

Executive Order One charged the Superintendent of Public Instruction (SOPI) to begin the work of identifying and addressing inherently divisive concepts - including "Critical Race Theory and its progeny" - in public education. It defined "inherently divisive concepts" to mean "advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964." Specifically, Executive Order One required the SOPI to identify policies, programs, training or curricula that fall within the definition of divisive concepts. I respectfully submit this interim report to you and the Citizens of Virginia.

This interim report rescinds certain policies, programs, and resources that promote discriminatory and divisive concepts as directed by Executive Order One. It also contains a sampling of critical race theory-based materials. However, the concepts have become widespread in the Virginia Department of Education (VDOE) and in Virginia school divisions and we will need to proactively review policies, practices, and pedagogies around the state to uphold the Civil Rights Act and comport with Executive Order One. We must continue to ensure that no student in Virginia is taught to judge or treat others differently solely on the basis of their race, skin color, ethnicity, sex or faith. As the work continues, we will engage stakeholders in an ongoing dialogue about how all resources and initiatives from the Virginia Department of Education must permit and encourage school divisions to build a culture of compassion, acceptance, opportunity, and positive change.

The Civil Rights Act codified the principles of equal protection and nondiscrimination found in the 14th Amendment, principles that all Virginians and Americans hold dear and wish to see passed on to the next generation. With this interim report, along with another at the 90-day mark, we want to spur productive dialogue across the commonwealth and create a teachable moment for us all - educators, the Citizens of Virginia, and concerned American parents.

Sincerely,

Jillian Balow

JB/jgh

AMERICAN OVERSIGHT

APPENDIX A: RESCISSIONS & MODIFICATIONS OF PROGRAMS, POLICIES, MATERIALS

			• Promotes and permits teaching and leading social justice, systemic inequality, and anti-racist policies in ways that are consistent with critical race theory and without offering alternatives. • Shifts school culture from excellence and opportunity to equitable outcomes for all students.	
Rescinded	All Resources Included on VDOE's Culturally Responsive Website[iv]	Rescinded 2/15/22 or in-progress	• This is a resource included in EdEquityVA • The resources contain concepts that may be divisive and need to be reviewed in stakeholders. • Divisive concepts taught in the training including (but are not limited to): "redress" bias in the system; include "culturally responsive" efficacy in teacher evaluation; mitigate power imbalances; develop policy to advance "anti-racism;" be change agents for social justice and academic equity. • Generally promotes academic equity of outcomes versus equity of opportunities for all learners. • Advances using current discrimination to address previous discrimination. (Treating people differently based on race – to remedy previous discrimination.) • Evaluation of viable alternatives is underway and stakeholder groups will be engaged.	Y (link iv below)
Rescinded	Superintendent's Memo #050-19	Replaced on 11/19/21 and Rescinded 2/23/22	• The original memo was replaced by a memo with a disclaimer about CRT. • Reading lists advance the use of CRT in education.	Y (attached example C)
Rescinded	"Teaching 9/11"[v] EdEquityVA Web Series	Rescinded 9/2/22 in response to public criticism	• Included in this list to establish VDOE and the "commitment to equity" and equitable outcomes prior to January 15, 2022.	Y (link v below) Time: 12:25
Parts rescinded and evaluating	Virginia L.E.A.R.N.S.[vi]	Rescinded 2/15/22	• Substantial focus on building an equitable culture to remedy the learning loss caused by COVID-19 and school closures. • "Equity checkpoints" are similar or identical to EdEquityVA audit tool and other resources. It states, "Education Equity is achieved when we	Y (link vi below)

AMERICAN OVERSIGHT

Culturally Responsive and Inclusive Practice

541 Shares - Share This Page

> *The cultural competence of adults is intimately connected to the achievement of students.*
>
> *Gary R. Howard*

AMERICAN OVERSIGHT

practice among Virginia's educator workforce is critical to ensuring inclusive learning environments and equitable outcomes for all students. Our strategy will focus on the following tactics as the primary vehicles for **Increasing the Cultural Competency of Virginia's Educator Workforce:**

- Increasing Teacher Diversity
- Supporting Culturally Relevant Teaching Pedagogy
- Enhancing Teacher Preparation
- Amending Licensure Requirements to include Cultural Competency
- Developing new Professional Learning Opportunities
- Supporting Courageous Leaders
- Revising Educator Evaluation to include Cultural Competency Efficacy
- Incorporating Cultural Responsiveness and Inclusion into School Climate Evaluation

AMERICAN OVERSIGHT

Defining Culturally Responsive Practice for Virginia Educators

Establishing expectations for culturally responsive practice among Virginia's educator workforce is critical to supporting the effective delivery of professional development. These expectations are framed into four quadrants that represent practices at the following critical levels: (1) culturally responsive schools, (2) culturally responsive leadership, (3) culturally responsive educators, and (4) culturally responsive pedagogy.

These four leverage points represent components of the educational ecosystem that can be transformed by culturally responsive practices to better serve students historically marginalized by race. Defining what culturally responsive practices look like in these four levels also aids in identifying data points, situating student outcomes through an equity lens supported by culturally responsive pedagogies, identifying capacity building needs, and creating spaces for continuous community input and support.

AMERICAN OVERSIGHT

As the creators of the most widely cited SEL definitions, CASEL now sees a need to clarify what's necessary to achieve the vision of SEL for all educators, adults and young people. We've updated our definition and framework to pay close attention to how SEL affirms the identities, strengths and experiences of all children, including those who have been marginalized in our education systems. CASEL has continued to highlight the importance of enhancing the social-emotional competence of all young people and adults, while putting additional emphasis on how we can all learn and work together to create caring and just schools and communities.

CASEL's Definition of SEL (2020 Update):

AMERICAN OVERSIGHT

CASEL's Definition of SEL (2020 Update):

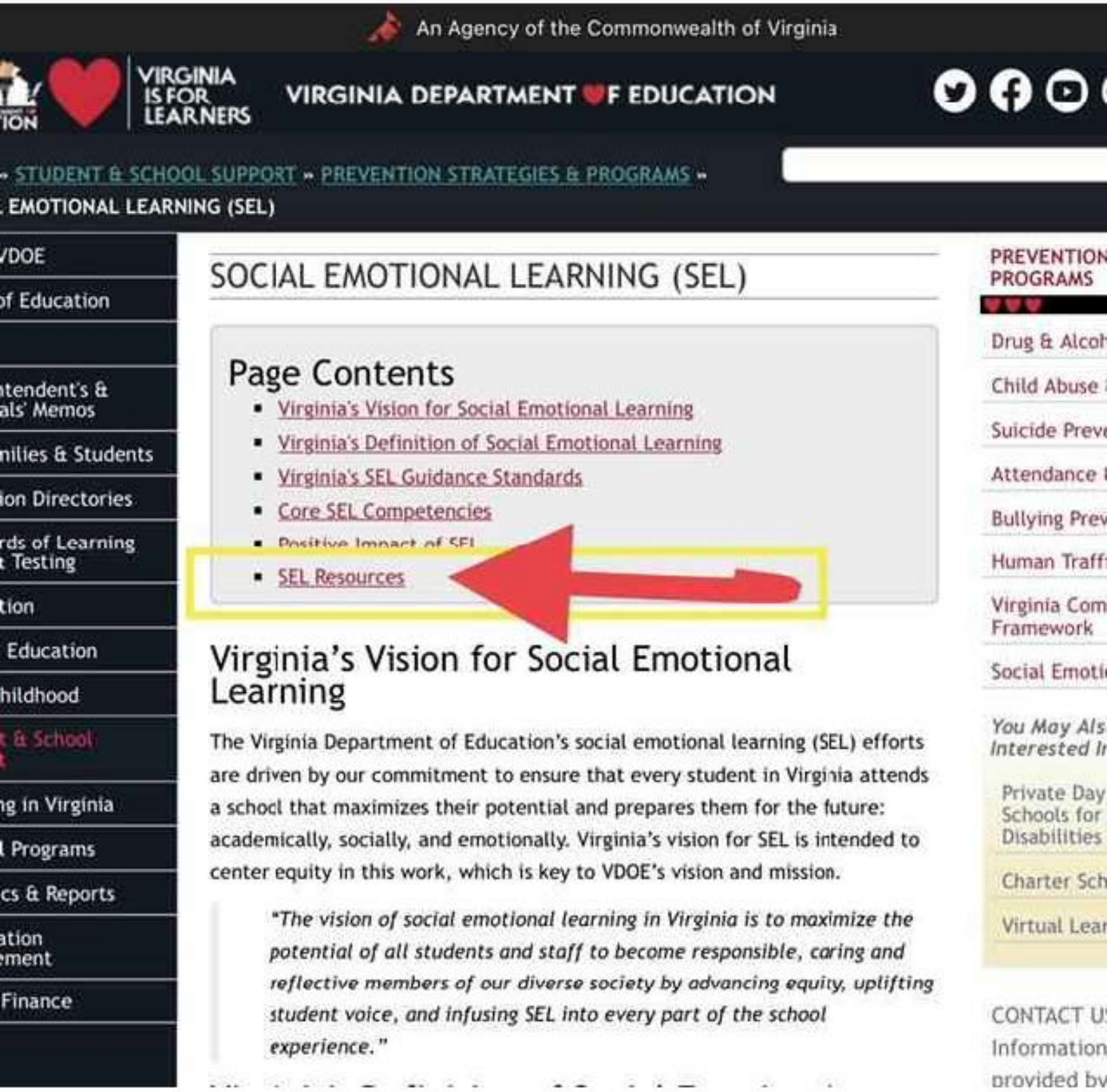
"Social and emotional learning (SEL) is an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.

AMERICAN OVERSIGHT

SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities."

As we continuously learn and refine our

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

- Improvements in reading comprehension

SEL Resources

Equity

- SEL can be an effective tool for creating caring, just, inclusive, and healthy communities that support all individuals in reaching their fullest potential:
  - Equity and SEL Resources (CASEL)
  - Integrating Equity into SEL Infographic (PDF)

Trauma Informed Practices

- SEL and trauma informed practices share the goal of helping students develop social and emotional competencies so they may respond successfully to the challenges of the world they live in.

Supporting English Language Learners

- Social Emotional Learning and Support for English Learners (recorded webinar) - The VDOE created a video to explore the ways that SEL can support the needs of English Language learners in Virginia.

Schoolwide SEL

- Indicators of Schoolwide SEL
- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

AMERICAN OVERSIGHT

components of schoolwide SEL.

Planning Resources

The VDOE recognizes that in order to implement SEL, preparation and planning is required. There are a number of guides and toolkits available to assist educators in planning for, and implementing social emotional learning at the division and school level:

- CASEL Guide to Schoolwide Social Emotional Learning (CASEL)
- SEL for Educators Toolkit (Transforming Education)
- Three Signature Practices Playbook: A Tool that Supports Systemic SEL (CASEL)
- SEL Integration Approach for Classroom Educators (PDF) (Transforming Education)
- Strategies for Establishing School Family Partnerships (CASEL)
- SEL and Family Partnerships (CASEL)

SEL State Examples

- Wisconsin Department of Public Instruction (DPI) Social Emotional Learning
- Massachusetts Department of Elementary and Secondary Education: Social and Emotional Learning in Massachusetts
- South Carolina Department of Education Social Emotional Learning

SEL in Action

The VDOE has a number of efforts that support social emotional learning.

- The VDOE Virginia Tiered Systems of Supports (VTSS) offers school divisions the opportunity to build their capacity to utilize a multi-tiered framework (or "way of work") to improve school climate and create effective and supportive learning environment for all students. This framework works through a lens of the whole child concept that aligns academics, behavioral, social and emotional wellness into a single databased decision-making framework.
- The Profile of a Virginia Graduate establishes a new set of expectations - known as the 5 C's : critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health Education Standards of Learning (SOL) intentionally include social emotional skills to build K-12 student's mental wellness skills - emotional development, self-concept and social competence.
- The revised *Model Guidance for Positive and Preventive Code of Student Conduct Policy and Alternatives to Suspension* integrates SEL practices into prevention and intervention as a means of reducing exclusionary discipline practices and removing disparity in the use of suspension and expulsion.
- The purpose of Kindness Week is to recognize that simple day-to-day acts of kindness enable our schools, communities, and state to be a kinder, safer, healthier, and more inclusive place to live, work, learn, and play. By promoting kindness, we are promoting inclusivity by extending an opportunity for grace, empathy, dignity, and acceptance across Virginia.

AMERICAN OVERSIGHT
VA-22-0316-A-000484

opportunity for every student, every day, and wherever they live in Virginia.

Learning during Uncertain Times

During the 2019-2020 and 2020-2021 school years, the effects of COVID-19 created prolonged disruption to the school and home routines.

Virginia LEARNS



The Virginia LEARNS initiative is about to take you on a journey to successful educational outcomes during uncertain times. The Student and Staff Wellbeing Checkpoint is the essential first-step consideration before embarking on the trip. The focus is on the social emotional wellness and physical health needs of our students, families, and staff. It will be critical to re-engage students in learning, rebuild relationships and school communities, and create equitable learning environments for all students.

CASEL CARES Initiative

CASEL

CASEL CARES INITIATIVE
Connecting the SEL Community

The CASEL CARES Initiative connects each of you in our global community with experts to address how SEL can be most helpful in response to today's circumstances. This site contains a variety of free resources as well as access to free weekly webinars to support educators. The site also features the *Reunite, Renew, Thrive: SEL Roadmap to Reopening School* (July 2020). The guide was developed as schools began to re-open and to illuminate a way forward with social and emotional learning that is centered on relationships and built on the existing strengths of a school community.

AMERICAN OVERSIGHT

A Systemic Approach to SEL Implementation



As exemplified by CASEL's infographic (© CASEL, All Rights Reserved), SEL implementation requires a systemic approach that emphasizes the importance of establishing equitable learning environments and coordinating practices across key settings of classroom, schools, families, and communities to enhance all students' social, emotional, and academic learning. Effective implementation integrates SEL throughout the school's academic curricula and culture, across the broader contexts of schoolwide practices and policies, and through ongoing collaboration with families and community organizations. These coordinated efforts should foster youth voice, agency, and engagement; establish supportive classroom and school climates and approaches to discipline; enhance adult SEL competence; and establish authentic family and community

The lens of equity

Positive Impact of SEL

The research on the impact of social emotional learning demonstrates that SEL programming has a positive impact on academic performance, school attendance, disciplinary outcomes, and mental wellness. SEL lays the groundwork to create a safe and positive learning environment for students and adults, which allows for relationship building, collaboration, cultural competency, and critical decision-making. Research has shown that students participating in evidence-based SEL programs have:

- Improved classroom attitudes and behavior:
  - Better sense of community
  - More class participation
  - Stronger pro-social skills
  - Improved attendance
  - Better understanding of consequences
  - Better coping skills
  - Increased attitude toward school and learning
- Improved school performance:
  - Higher achievement test scores (+14%) and higher grades (+11%)
  - Improved metacognition skills
  - Improved problem-solving, planning, and reasoning skills
  - Improvements in reading comprehension

SEL Resources

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/10/2022 2:41:53 PM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: Virginia Department of Education is still pushing CRT

Please see below…

---------- Forwarded message ---------
From: **pattyz2021** <pattyz2021@protonmail.com>
Date: Thu, Mar 10, 2022 at 1:37 PM
Subject: Virginia Department of Education is still pushing CRT
To: elizabeth.schultz@doe.virginia.gov <elizabeth.schultz@doe.virginia.gov>

Elizabeth,

I am a member of Fairfax Republicans and have talked to you a few times. We were way excited about you getting your current job.

Virginia Department of Education is still promoting Critical Race Theory in defiance of the governor. What is going on here? Did they do this behind your back? I can't imagine you putting up with this if you knew about it.

Here it is, a flyer and links to videos: https://content.govdelivery.com/attachments/VADOE/2022/03/07/file_attachments/2096356/SEL%20DAY%20%281%29.pdf

It is now called, get this, Social Emotional Learning. They get points for imagination. But watching the videos for a short while shows that it is simply CRT rebranded.

And our tax dollars are paying for this.

There is no reason for ANY VIDEOS. Education needs to be strictly academic subjects.

Please fill me in on what is happening here.

Patty Zevallos

Sent with ProtonMail secure email.
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/1/2022 12:04:37 PM
To: "Aimee Guidera" <aimee.guidera@governor.virginia.gov>, "Sarah Huang Spota" <sarah.spota@governor.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Becca Glover" <becca.glover@governor.virginia.gov>, "Stewart, Coke M." <cstewart@oag.state.va.us>
Cc: "Jennifer Bean" <jennifer.bean@governor.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Hearing: Judiciary Committee Speakers

Attachments: HMTG-117-JU10-WList-20220301.pdf

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

AMERICAN OVERSIGHT

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES
Witness List

TIME	DATE	PLACE
10:00 a.m.	**Tuesday, March 1, 2022**	**2141 Rayburn House Office Building**

Subject: Discrimination and the Civil Rights of the Muslim, Arab, and South Asian American Communities

Panel One:

The Honorable André Carson
Member of Congress

The Honorable Judy Chu
Member of Congress

The Honorable Pramila Jayapal
Member of Congress

The Honorable Ilhan Omar
Member of Congress

Panel Two:

Maya Berry
Executive Director
Arab American Institute

Shoba Sivaprasad Wadhia
Associate Dean for Diversity, Equity, and Inclusion;
Samuel Weiss Faculty Scholar; and Clinical Professor of Law
Penn State Law

Zulfat Suara
Council Member At Large
Metropolitan Government of Nashville and Davidson County

AMERICAN OVERSIGHT

Asra Nomani
Vice President for Strategy and Investigations
Parents Defending Education

Hammad Alam
Staff Attorney and Program Manager, National Security and Civil Rights
Asian Law Caucus
Asian Americans Advancing Justice

Devon Westhill
President and General Counsel
Center for Equal Opportunity

Amrith Kaur Aakre
Legal Director
The Sikh Coalition

Annetta Seecharran
Executive Director
Chhaya Community Development Corporation

AMERICAN OVERSIGHT

From: Jon Russell <jon.russell@doe.virginia.gov>
Sent: 3/8/2022 9:55:30 AM
To: samantha.hollins@doe.virginia.gov, aimee.guidera@governor.virginia.gov, jennifer.bean@governor.virginia.gov, jillian.balow@doe.virginia.gov, kent.dickey@doe.virginia.gov, dave.myers@doe.virginia.gov, holly.coy@doe.virginia.gov, joan.johnson@doe.virginia.gov, rosa.atkins@doe.virginia.gov, shelley.loving-ryder@doe.virginia.gov, michael.bolling@doe.virginia.gov
Cc:
Subject: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (samantha.hollins@doe.virginia.gov)

Attachments: invite.ics

You have been invited to the following event.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar samantha.hollins@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Going (samantha.hollins@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account samantha.hollins@doe.virginia.gov because you are subscribed for invitations on calendar samantha.hollins@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: aimee.guidera@governor.virginia.gov; jennifer.bean@governor.virginia.gov; jon.russell@doe.virginia.gov; jillian.balow@doe.virginia.gov; kent.dickey@doe.virginia.gov; dave.myers@doe.virginia.gov; holly.coy@doe.virginia.gov; joan.johnson@doe.virginia.gov; samantha.hollins@doe.virginia.gov; rosa.atkins@doe.virginia.gov; shelley.loving-ryder@doe.virginia.gov; michael.bolling@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u> -::~:~::~::~:~::- Do not edit this section of the description. View your event at https://calendar.google.com/calendar/event?action=VIEW&eid=NHBkdHI5Njk2NGE5OTBpbHE3bDIxdGpyM3Qgc2FtYW50aGEuaG9sbGluc0Bkb2UudmlyZ2luaWEuZ292&tok=MzUjamVubmlmZXluYmVhbkBnb3Zlcm5vci52aXJnaW5pYS5nb3YwO -::~:~::~::~:~::-

AMERICAN OVERSIGHT

From: Jon Russell <jon.russell@doe.virginia.gov>
Sent: 3/8/2022 9:55:30 AM
To: dave.myers@doe.virginia.gov, aimee.guidera@governor.virginia.gov, jennifer.bean@governor.virginia.gov, jillian.balow@doe.virginia.gov, kent.dickey@doe.virginia.gov, holly.coy@doe.virginia.gov, joan.johnson@doe.virginia.gov, samantha.hollins@doe.virginia.gov, rosa.atkins@doe.virginia.gov, shelley.loving-ryder@doe.virginia.gov, michael.bolling@doe.virginia.gov
Cc:
Subject: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (dave.myers@doe.virginia.gov)

Attachments: invite.ics

You have been invited to the following event.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar dave.myers@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Going (dave.myers@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account dave.myers@doe.virginia.gov because you are subscribed for invitations on calendar dave.myers@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: aimee.guidera@governor.virginia.gov; jennifer.bean@governor.virginia.gov; jon.russell@doe.virginia.gov; jillian.balow@doe.virginia.gov; kent.dickey@doe.virginia.gov; dave.myers@doe.virginia.gov; holly.coy@doe.virginia.gov; joan.johnson@doe.virginia.gov; samantha.hollins@doe.virginia.gov; rosa.atkins@doe.virginia.gov; shelley.loving-ryder@doe.virginia.gov; michael.bolling@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hId1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u> -::~:~::~::~:~::- Do not edit this section of the description. View your event at https://calendar.google.com/calendar/event?action=VIEW&eid=NHBkdHI5Njk2NGE5OTBpbHE3bDIxdGpyM3QgZGF2ZS5teWVyc0Bkb2UudmlyZ2luaWEuZ292&tok=MzUjamVubmlmZXIuYmVhbkBnb3Zlcm5vci52aXJnaW5pYS5nb3ZmNTcwN2Y0-::~:~::~::~:~::-

AMERICAN OVERSIGHT

From: Jon Russell <jon.russell@doe.virginia.gov>
Sent: 3/8/2022 9:55:30 AM
To: shelley.loving-ryder@doe.virginia.gov, aimee.guidera@governor.virginia.gov, jennifer.bean@governor.virginia.gov, jillian.balow@doe.virginia.gov, kent.dickey@doe.virginia.gov, dave.myers@doe.virginia.gov, holly.coy@doe.virginia.gov, joan.johnson@doe.virginia.gov, samantha.hollins@doe.virginia.gov, rosa.atkins@doe.virginia.gov, michael.bolling@doe.virginia.gov
Cc:
Subject: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (shelley.loving-ryder@doe.virginia.gov)

Attachments: invite.ics

You have been invited to the following event.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar shelley.loving-ryder@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Going (shelley.loving-ryder@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account shelley.loving-ryder@doe.virginia.gov because you are subscribed for invitations on calendar shelley.loving-ryder@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: aimee.guidera@governor.virginia.gov; jennifer.bean@governor.virginia.gov; jon.russell@doe.virginia.gov; jillian.balow@doe.virginia.gov; kent.dickey@doe.virginia.gov; dave.myers@doe.virginia.gov; holly.coy@doe.virginia.gov; joan.johnson@doe.virginia.gov; samantha.hollins@doe.virginia.gov; rosa.atkins@doe.virginia.gov; shelley.loving-ryder@doe.virginia.gov; michael.bolling@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hId1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u> -::~:~::~::~:~::- Do not edit this section of the description. View your event at https://calendar.google.com/calendar/event?action=VIEW&eid=NHBkdHI5Njk2NGE5OTBpbHE3bDIxdGpyM3Qgc2hlbGxleS5sb3ZpbmctcnlkZXJAZG9lLnZpcmdpbmlhLmdvdg&tok=MzUjamVubmlmZXIuYmVhbkBnb3Zlcm5vci52aXJnaW5pYS5nb3v -::~:~::~::~:~::-

AMERICAN OVERSIGHT

From: Jon Russell <jon.russell@doe.virginia.gov>
Sent: 3/8/2022 9:55:30 AM
To: kent.dickey@doe.virginia.gov, aimee.guidera@governor.virginia.gov, jennifer.bean@governor.virginia.gov, jillian.balow@doe.virginia.gov, dave.myers@doe.virginia.gov, holly.coy@doe.virginia.gov, joan.johnson@doe.virginia.gov, samantha.hollins@doe.virginia.gov, rosa.atkins@doe.virginia.gov, shelley.loving-ryder@doe.virginia.gov, michael.bolling@doe.virginia.gov
Cc:
Subject: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (kent.dickey@doe.virginia.gov)

Attachments: invite.ics

You have been invited to the following event.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar kent.dickey@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Going (kent.dickey@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account kent.dickey@doe.virginia.gov because you are subscribed for invitations on calendar kent.dickey@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: aimee.guidera@governor.virginia.gov; jennifer.bean@governor.virginia.gov; jon.russell@doe.virginia.gov; jillian.balow@doe.virginia.gov; kent.dickey@doe.virginia.gov; dave.myers@doe.virginia.gov; holly.coy@doe.virginia.gov; joan.johnson@doe.virginia.gov; samantha.hollins@doe.virginia.gov; rosa.atkins@doe.virginia.gov; shelley.loving-ryder@doe.virginia.gov; michael.bolling@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u> -::~:~::~::~:~::- Do not edit this section of the description. View your event at https://calendar.google.com/calendar/event?action=VIEW&eid=NHBkdHI5Njk2NGE5OTBpbHE3bDIxdGpyM3Qga2VudC5kaWNrZXlAZG9lLnZpcmdpbmlhLmdvdg&tok=MzUjamVubmlmZXIuYmVhbkBnb3Zlcm5vci52aXJnaW5pYS5nb3Y3NzZhMTg -::~:~::~::~:~::-

AMERICAN OVERSIGHT

From: Jon Russell <jon.russell@doe.virginia.gov>
Sent: 3/8/2022 9:55:30 AM
To: rosa.atkins@doe.virginia.gov, aimee.guidera@governor.virginia.gov, jennifer.bean@governor.virginia.gov, jillian.balow@doe.virginia.gov, kent.dickey@doe.virginia.gov, dave.myers@doe.virginia.gov, holly.coy@doe.virginia.gov, joan.johnson@doe.virginia.gov, samantha.hollins@doe.virginia.gov, shelley.loving-ryder@doe.virginia.gov, michael.bolling@doe.virginia.gov
Cc:
Subject: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (rosa.atkins@doe.virginia.gov)

Attachments: invite.ics

You have been invited to the following event.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar rosa.atkins@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Going (rosa.atkins@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account rosa.atkins@doe.virginia.gov because you are subscribed for invitations on calendar rosa.atkins@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: aimee.guidera@governor.virginia.gov; jennifer.bean@governor.virginia.gov; jon.russell@doe.virginia.gov; jillian.balow@doe.virginia.gov; kent.dickey@doe.virginia.gov; dave.myers@doe.virginia.gov; holly.coy@doe.virginia.gov; joan.johnson@doe.virginia.gov; samantha.hollins@doe.virginia.gov; rosa.atkins@doe.virginia.gov; shelley.loving-ryder@doe.virginia.gov; michael.bolling@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u> -::~:~::~::~:~::- Do not edit this section of the description. View your event at https://calendar.google.com/calendar/event?action=VIEW&eid=NHBkdHI5Njk2NGE5OTBpbHE3bDIxdGpyM3Qgcm9zYS5hdGtpbnNAZG9lLnZpcmdpbmlhLmdvdg&tok=MzUjamVubmlmZXIuYmVhbkBnb3Zlcm5vci52aXJnaW5pYS5nb3ZlMjMwYWI -::~:~::~::~:~::-

AMERICAN OVERSIGHT

From: Jon Russell <jon.russell@doe.virginia.gov>
Sent: 3/8/2022 9:55:30 AM
To: joan.johnson@doe.virginia.gov, aimee.guidera@governor.virginia.gov, jennifer.bean@governor.virginia.gov, jillian.balow@doe.virginia.gov, kent.dickey@doe.virginia.gov, dave.myers@doe.virginia.gov, holly.coy@doe.virginia.gov, samantha.hollins@doe.virginia.gov, rosa.atkins@doe.virginia.gov, shelley.loving-ryder@doe.virginia.gov, michael.bolling@doe.virginia.gov
Cc:
Subject: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (joan.johnson@doe.virginia.gov)

Attachments: invite.ics

You have been invited to the following event.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar joan.johnson@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Going (joan.johnson@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account joan.johnson@doe.virginia.gov because you are subscribed for invitations on calendar joan.johnson@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: aimee.guidera@governor.virginia.gov; jennifer.bean@governor.virginia.gov; jon.russell@doe.virginia.gov; jillian.balow@doe.virginia.gov; kent.dickey@doe.virginia.gov; dave.myers@doe.virginia.gov; holly.coy@doe.virginia.gov; joan.johnson@doe.virginia.gov; samantha.hollins@doe.virginia.gov; rosa.atkins@doe.virginia.gov; shelley.loving-ryder@doe.virginia.gov; michael.bolling@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u> -::~:~::~::~:~::- Do not edit this section of the description. View your event at https://calendar.google.com/calendar/event?action=VIEW&eid=NHBkdHI5Njk2NGE5OTBpbHE3bDIxdGpyM3Qgam9hbi5qb2huc29uQGRvZS52aXJnaW5pYS5nb3Y&tok=MzUjamVubmlmZXIuYmVhbkBnb3Zlcm5vci52aXJnaW5pYS5nb3YzMGViZ-::~:~::~::~:~::-

AMERICAN OVERSIGHT

From: Jon Russell <jon.russell@doe.virginia.gov>
Sent: 3/8/2022 9:55:30 AM
To: michael.bolling@doe.virginia.gov, aimee.guidera@governor.virginia.gov, jennifer.bean@governor.virginia.gov, jillian.balow@doe.virginia.gov, kent.dickey@doe.virginia.gov, dave.myers@doe.virginia.gov, holly.coy@doe.virginia.gov, joan.johnson@doe.virginia.gov, samantha.hollins@doe.virginia.gov, rosa.atkins@doe.virginia.gov, shelley.loving-ryder@doe.virginia.gov
Cc:
Subject: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (michael.bolling@doe.virginia.gov)

Attachments: invite.ics

You have been invited to the following event.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar michael.bolling@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Going (michael.bolling@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account michael.bolling@doe.virginia.gov because you are subscribed for invitations on calendar michael.bolling@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: aimee.guidera@governor.virginia.gov; jennifer.bean@governor.virginia.gov; jon.russell@doe.virginia.gov; jillian.balow@doe.virginia.gov; kent.dickey@doe.virginia.gov; dave.myers@doe.virginia.gov; holly.coy@doe.virginia.gov; joan.johnson@doe.virginia.gov; samantha.hollins@doe.virginia.gov; rosa.atkins@doe.virginia.gov; shelley.loving-ryder@doe.virginia.gov; michael.bolling@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u> -::~:~::~::~:~::- Do not edit this section of the description. View your event at https://calendar.google.com/calendar/event?action=VIEW&eid=NHBkdHI5Njk2NGE5OTBpbHE3bDIxdGpyM3QgbWljaGFlbC5ib2xsaW5nQGRvZS52aXJnaW5pYS5nb3Y&tok=MzUjamVubmlmZXIuYmVhbkBnb3Zlcm5vci52aXJnaW5pYS5nb3ZlYm-::~:~::~::~:~::-

From: Jon Russell <jon.russell@doe.virginia.gov>
Sent: 3/8/2022 9:55:30 AM
To: holly.coy@doe.virginia.gov, aimee.guidera@governor.virginia.gov, jennifer.bean@governor.virginia.gov, jillian.balow@doe.virginia.gov, kent.dickey@doe.virginia.gov, dave.myers@doe.virginia.gov, joan.johnson@doe.virginia.gov, samantha.hollins@doe.virginia.gov, rosa.atkins@doe.virginia.gov, shelley.loving-ryder@doe.virginia.gov, michael.bolling@doe.virginia.gov
Cc:
Subject: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (holly.coy@doe.virginia.gov)

Attachments: invite.ics

You have been invited to the following event.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar holly.coy@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Going (holly.coy@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account holly.coy@doe.virginia.gov because you are subscribed for invitations on calendar holly.coy@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: aimee.guidera@governor.virginia.gov; jennifer.bean@governor.virginia.gov; jon.russell@doe.virginia.gov; jillian.balow@doe.virginia.gov; kent.dickey@doe.virginia.gov; dave.myers@doe.virginia.gov; holly.coy@doe.virginia.gov; joan.johnson@doe.virginia.gov; samantha.hollins@doe.virginia.gov; rosa.atkins@doe.virginia.gov; shelley.loving-ryder@doe.virginia.gov; michael.bolling@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u> -::~:~::~::~:~::- Do not edit this section of the description. View your event at https://calendar.google.com/calendar/event?action=VIEW&eid=NHBkdHI5Njk2NGE5OTBpbHE3bDIxdGpyM3QgaG9sbHkuY295QGRvZS52aXJnaW5pYS5nb3Y&tok=MzUjamVubmlmZXIuYmVhbkBnb3Zlcm5vci52aXJnaW5pYS5nb3Y1YmY0ZDhj-::~:~::~::~:~::-

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/21/2022 10:28:52 AM
To: ian@fightforschools.com
Cc:
Subject: Letter to Fight for Schools

Attachments: Lettertofightforschools.docx (1).pdf

Hi Ian, Last week Superintendent Balow sent you a response letter. I am confirming you received it. I have attached a copy for your records. Thank you for all you do for our kids.

--

Sincerely,

Jon Russell
Senior Advisor
OFFICE of SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.659.3307 | jon.russell@doe.virginia.gov

"Education is the key to unlock the golden door of freedom."
- George Washington Carver

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

March 15, 2022

Fight for Schools
Ian Prior, Executive Director
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and for the information regarding Loudoun County Public Schools Superintendent Dr. Scott Ziegler.

Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/7/2022 2:03:18 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Loudoun Letter

Attachments: Lettertofightforschools.docx

Dicky, please give this letter a once over before I button it up for Jillian.

Thanks
Jon

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/07/22

Dear

Re: Fight for Schools Request

Dear Fight for Schools:

I want to thank you for your letter and supporting documentation in regards to Superintendent Ziegler. Please know I am monitoring these issues very closely. Until a thorough investigation has been completed by the Office of the Attorney General, I will not be making any recommendation for the Loudoun County School District.

Thank you for being an advocate for our children and parents in Loudoun and throughout the Commonwealth. Please do not hesitate to contact me again in the future if my office can be any assistance.

Sincerely,



Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

From: Jon Russell <jon.russell@doe.virginia.gov>
Sent: 3/8/2022 9:55:30 AM
To: theresita.martinez@doe.virginia.gov
Cc:
Subject: New event: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (shelley.loving-ryder@doe.virginia.gov)

Attachments: invite.ics

The following event has been created.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar shelley.loving-ryder@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Invitation from Google Calendar

You are receiving this email at the account theresita.martinez@doe.virginia.gov because you are subscribed for new event updates on calendar shelley.loving-ryder@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: aimee.guidera@governor.virginia.gov; jennifer.bean@governor.virginia.gov; jon.russell@doe.virginia.gov; jillian.balow@doe.virginia.gov; kent.dickey@doe.virginia.gov; dave.myers@doe.virginia.gov; holly.coy@doe.virginia.gov; joan.johnson@doe.virginia.gov; samantha.hollins@doe.virginia.gov; rosa.atkins@doe.virginia.gov; shelley.loving-ryder@doe.virginia.gov; michael.bolling@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hId1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u> -::~:~::~::~:~::- Do not edit this section of the description. View your event at https://calendar.google.com/calendar/r?eid=NHBkdHI5Njk2NGE5OTBpbHE3bDIxdGpyM3Qgc2hlbGxleS5sb3ZpbmctcnlkZXJAZG9lLnZpcmdpbmlhLmdvdg&es=1. -::~:~::~::~:~::-

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/24/2022 6:34:41 AM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc:
Subject: Re: [External] Follow-up to phone call yesterday

Please let Supt. Brabrand know we reached out to the sender and asked them to re-send it directly to Supt. Brabrand.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

On Sun, Mar 20, 2022 at 4:48 PM Balow, Jillian <jillian.balow@doe.virginia.gov> wrote:

> Working with the secretary on this.
>
>
> JILLIAN BALOW
> SUPERINTENDENT OF PUBLIC INSTRUCTION
> VIRGINIA DEPARTMENT ♥F EDUCATION
> 804.225.2057 | jillian.balow@doe.virginia.gov
>
>
> On Fri, Mar 18, 2022 at 9:16 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
>
> > Jillian, Braband is saying he was unaware. How would you like to proceed?
> >
> > ---------- Forwarded message ---------
> > From: **Brabrand, Scott S** <ssbrabrand@fcps.edu>
> > Date: Thu, Mar 17, 2022 at 7:51 PM
> > Subject: Re: [External] Follow-up to phone call yesterday
> > To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Jon Russell <jon.russell@doe.virginia.gov>
> >
> > Dear Jillian,
> >
> > I checked into this with my legal team. We have not received any notice of complaint on this from OCR, given apparent internal processing delays there. Could you send me copies of anything that you have received?
> >
> > Sincerely,
> >
> > Scott
> >
> > Sent from my iPhone
> >
> > ---
> >
> > **From:** Balow, Jillian <jillian.balow@doe.virginia.gov>
> > **Sent:** Wednesday, March 9, 2022 9:49:53 AM
> > **To:** Brabrand, Scott S <ssbrabrand@fcps.edu>; Jon Russell <jon.russell@doe.virginia.gov>
> > **Subject:** [External] Follow-up to phone call yesterday
> >
> > CAUTION: This email originated from outside of FCPS. Do not click links or open attachments unless you recognize the sender and know the content is safe.
> >
> > Superintendent Brabrand,
> > Thank you for visiting yesterday about Belvoir's mask mandate and the continued board deliberations regarding admissions to TJ for the class of 2026.
> >
> > Additionally, I wanted to follow-up with information about the complaint of antisemitism in Fairfax County Public Schools. The complaint was filed with U.S. Department of Education's Office of Civil Rights on January 25, 2022 and was forwarded to our offices several weeks later.
> >
> > Thank you again.
> >
> >
> > JILLIAN
> > BALOW
> > SUPERINTENDENT
> > OF PUBLIC
> > INSTRUCTION
> > VIRGINIA DEPARTMENT
> > ♥F
> > EDUCATION
> > 804.225.2057 |
> > jillian.balow@doe.virginia.gov
> >

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/20/2022 4:48:46 PM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc:
Subject: Re: [External] Follow-up to phone call yesterday

Working with the secretary on this.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

On Fri, Mar 18, 2022 at 9:16 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:

Jillian, Braband is saying he was unaware. How would you like to proceed?

---------- Forwarded message ---------
From: **Brabrand, Scott S** <ssbrabrand@fcps.edu>
Date: Thu, Mar 17, 2022 at 7:51 PM
Subject: Re: [External] Follow-up to phone call yesterday
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Jon Russell <jon.russell@doe.virginia.gov>

Dear Jillian,

I checked into this with my legal team. We have not received any notice of complaint on this from OCR, given apparent internal processing delays there. Could you send me copies of anything that you have received?

Sincerely,

Scott

Sent from my iPhone

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: Wednesday, March 9, 2022 9:49:53 AM
To: Brabrand, Scott S <ssbrabrand@fcps.edu>; Jon Russell <jon.russell@doe.virginia.gov>
Subject: [External] Follow-up to phone call yesterday

CAUTION: This email originated from outside of FCPS. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Superintendent Brabrand,
Thank you for visiting yesterday about Belvoir's mask mandate and the continued board deliberations regarding admissions to TJ for the class of 2026.

Additionally, I wanted to follow-up with information about the complaint of antisemitism in Fairfax County Public Schools. The complaint was filed with U.S. Department of Education's Office of Civil Rights on January 25, 2022 and was forwarded to our offices several weeks later.

Thank you again.

JILLIAN
BALOW
SUPERINTENDENT
OF PUBLIC
INSTRUCTION
VIRGINIA DEPARTMENT
♥F
EDUCATION
804.225.2057 |
jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 10:52:17 PM
To: "Mary Prentice" <drmprentice@gmail.com>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Re: Hope you find the document helpful

Mary:
Thank you for sharing the comprehensive insights on VDOE resources and curriculum. The time to compile this compendium is greatly appreciated.
Please note, I have shared by way of cc with Superintendent Balow's Senior Advisor, Jon Russell.
Best regards,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

On Tue, Mar 22, 2022 at 9:19 PM Mary Prentice <drmprentice@gmail.com> wrote:

> Hi Elizabeth,
>
> I am attaching a document with the images you asked for and what I hope you find to be very valuable information to help in the revision of the african american history course, curriculum, etc. and the attached document is called:
> "ElizabethSchultzDOEVAAfricanamericanhistorycoursenewIST"
>
> I hope you find the document helpful with many images and serious concerns I have with current african american history course.
>
> I would love to see DOE and state of VA promote and NOT EXCLUDE the very best African American history curriculum and they are currently excluding the 1776 unites material probably because it's patriotic and excellent and it is NOT divisive but unifying and uplifting and accurate https://1776unites.com/our-work/curriculum/ and this curriculum is promoted by great civil rights hero and leader Dr. Woodson who we were fortunate to have speak a couple years ago at Liberty University during black history month. Robert Woodson, creator of a new form of curriculum supported by the conservative groups called 1776 Unites, said the political left has "hijacked the rich moral authority of the Civil Rights movement" by supporting the race theory. Woodson's work is nicely aligned with Angela Sailor's work that works for Virginia and used to work for Heritage foundation and they are both against the victimhood false history narrative of the left that poisons our country: Another member of the Heritage Foundation, Angela Sailor, spoke on the messaging needed to keep the public aware of the concepts the foundation feels are "the doctrine of victimhood."
> Matter of fact Youngkin's appointee Secretary of the Commonwealth Kay James awarded Robert Woodson who helped with 1776 african American history curriculum for his work:
>
> https://www.youtube.com/watch?v=QAio7R4TWiA
> In this youtube video you will see James and Woodson: https://www.youtube.com/watch?v=QAio7R4TWiA
> Angela Sailor we hosted at Liberty last year and she does excellent work. Please see attached document with pictures and valuable information to help DOE remove divisive content.
>
> Please confirm receipt of attached document Elizabeth so I know you received it?
>
> Blessings, Mary Prentice

--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/10/2022 12:15:33 PM
To: "Johnson, Joan" <joan.johnson@doe.virginia.gov>
Cc:
Subject: Re: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (joan.johnson@doe.virginia.gov)

I will find out for you,

On Wed, Mar 9, 2022 at 10:42 AM Johnson, Joan <joan.johnson@doe.virginia.gov> wrote:

> GM Jon
>
> I was not available to attend the VASS meeting yesterday due to a conference presentation. I am wondering if meeting minutes were taken or recorded? I am attempting to respond to many of the same questions from division staff given our requirements for licensure.

Dr. Joan B. Johnson / Assistant Superintendent
Department of Teacher Education and Licensure
Virginia Department of Education
804.371.2522
joan.johnson@doe.virginia.gov

On Tue, Mar 8, 2022 at 8:55 AM Jon Russell <jon.russell@doe.virginia.gov> wrote:

> **You have been invited to the following event.**
>
> **VASS Board Meeting**
>
> When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**
>
> Where Zoom (listed below) (map)
>
> Calendar joan.johnson@doe.virginia.gov
>
> Who
> - jennifer.bean@governor.virginia.gov - organizer
> - aimee.guidera@governor.virginia.gov
> - jon.russell@doe.virginia.gov
> - jillian.balow@doe.virginia.gov
> - kent.dickey@doe.virginia.gov
> - dave.myers@doe.virginia.gov
> - holly.coy@doe.virginia.gov
> - joan.johnson@doe.virginia.gov
> - samantha.hollins@doe.virginia.gov
> - rosa.atkins@doe.virginia.gov
> - shelley.loving-ryder@doe.virginia.gov
> - michael.bolling@doe.virginia.gov
>
> 3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
>
> Topic: VASS Board Meeting with Secretary of Education and State Superintendent
>
> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)
>
> Join Zoom Meeting
>
> https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09
>
> Meeting ID: 840 9840 0877
>
> Passcode: 720060
>
> One tap mobile
>
> +16468769923,,84098400877# US (New York)
>
> +13017158592,,84098400877# US (Washington DC)
>
> Dial by your location
>
> +1 646 876 9923 US (New York)
>
> +1 301 715 8592 US (Washington DC)
>
> +1 312 626 6799 US (Chicago)
>
> +1 669 900 6833 US (San Jose)
>
> +1 253 215 8782 US (Tacoma)
>
> +1 346 248 7799 US (Houston)
>
> +1 408 638 0968 US (San Jose)
>
> Meeting ID: 840 9840 0877
>
> Find your local number: https://us06web.zoom.us/u/kqa8LczUQ
>
> Going (joan.johnson@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »
>
>
> Invitation from Google Calendar
>
> You are receiving this email at the account joan.johnson@doe.virginia.gov because you are subscribed for invitations on calendar joan.johnson@doe.virginia.gov.
>
> To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.
>
> Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.
>

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/15/2022 9:25:42 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Re: Standards of Emotional Learning Requirements

---

sure

On Tue, Mar 15, 2022 at 9:09 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> Superintendent refusing to divulge legal matters to a school board member in case headed to VA SCOTUS?
>
> Can we discuss?
>
> ---------- Forwarded message ---------
> From: **Brandi Rutz** <brandirutz@icloud.com>
> Date: Mon, Mar 14, 2022 at 10:54 PM
> Subject: Standards of Emotional Learning Requirements
> To: <elizabeth.schultz@doe.virginia.gov>
>
>
> Hi Mrs. Schultz,
>
> We met a Noah Webster Education Conference in Lynchburg a few weeks back. I was hoping you could give me clarity on two things.
>
> First is the Standards of Emotional Learning requirements for Virginia Educators, what are they? I was emailed a schedule for our Staff orientation for August, and we have 2 days we have SEL training presented by Allison Jackson. I do not know what organization Ms. Jackson is from.
>
> Secondly, is the definition of a body corporate for the school board. I mentioned during my introduction at the NWEF that my school district had recently had some turmoil regarding the name change of Stonewall Jackson High. The way in which it was done (under Covid, 9 days, no public input) has sat poorly with our county constituents.
> I put partial blame on our school legal counsel. When I tried to request correspondence between the attorney and board/Superintendent for that topic (done in 2020-2021, I was elected in Nov 21) I have been denied. First on the premise that It violated attorney/client privilege and when I pushed back on that (I am now the client) I was told, the information had to be requested from the whole board. Mind you, 3 of them sat on the board at that time. We have pending litigation as the suit against SCPS is being presented to the Va. Supreme Court for possible appeal.
>
> It seems Superintendents and attorneys alike are using the vague terms of body corporate to deny independent visits of board members to schools and information. Our prior superintendent did deny a board member the benefit of visiting schools and claimed one must have permission first. Thankfully, he is gone, but I doubt he is a rare case of such misuse of the ideology.
>
> I appreciate any clarity you can offer.
>
> By the way, I asked my Superintendent if she signed the push back on Youngkins Tip Line that the Association of Superintendents and the WaPO claim all 133 District Superintendents signed. She claimed she did not. I don't have a reason to doubt her.
>
> Thank you in advance of your time.
>
> Warm Regards,
>
> Brandi Rutz
>
>
>
>
>
> Sent from my iPhone
> --
>
> Elizabeth L. Schultz
> Assistant State Superintendent of Public Instruction
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/3/2022 9:47:51 AM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc:
Subject: APPROVAL NEEDED ASAP: Please review Superintendent's Weekly Cabinet Report

Attachments: Super Intendent Cabinet Weekly Reports 3-4-22.docx

Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

See attached. Thanks.

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/10/2022 1:23:15 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc:
Subject: URGENT- Cabinet Report

Attachments: Super Intendent Cabinet Weekly Reports 3-11-22.docx

Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Gov.

Hi Jillian, Will you please this week's report and highlight three to kick up to the cabinet report. Thanks!

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/15/2022 12:14:01 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Redacted pursuant to Va. Code § 2.2-3705.7(2)Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Attachments: Lettertofightforschools (1).docx

Here you go. Final Draft

On Tue, Mar 15, 2022 at 10:09 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
Redacted pursuant to Va. Code § 2.2-3705.7(2)Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege could you send me latest or do you want me to add the address? Are there any other changes?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

On Mon, Mar 14, 2022 at 12:20 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
PO Box 523452
Springfield, VA 22152

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

On Mon, Mar 14, 2022 at 11:28 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
Perfect. Thank you

On Mon, Mar 14, 2022 at 11:24 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
I have - Jon, here are my edits...
https://docs.google.com/document/d/1RxqnMwTjDrA2tYHK_O4onA069UYWOl6W/edit
I am getting you a physical address for the letter.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

On Mon, Mar 14, 2022 at 10:29 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
Elizabeth,

Have you had a chance to work on this yet?

Thanks,
Dicky

On Tue, Mar 8, 2022 at 2:04 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 7, 2022 at 1:03 PM
Subject: Loudoun Letter
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Dicky, please give this letter a once over before I button it up for Jillian.

Thanks
Jon

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/14/22

Ian Prior
Executive Director of Fight for Schools
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and the provided supporting documentation in regards to Loudoun County Public Schools Superintendent Scott Ziegler.

Please know the issues raised in the letter are being monitored very closely. As the Office of the Attorney General (OAG) is currently conducting an investigation of the school district, any decision or action with respect to the Loudoun County School District and Dr. Ziegler will be held until the completion of the OAG's work.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 1:22:12 PM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc:
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Would you please send me the final letter in pdf format?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> Letter has been sent out in the mail.
>
> On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/17/2022 1:22:19 PM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc: "Shanor, Richard" <dicky.shanor@doe.virginia.gov>
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Can also be sent electronically, as it was received electronically.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

ELS

On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:

> Letter has been sent out in the mail.
>
> On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
>
> > looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/17/2022 10:19:43 AM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Great, thanks!

On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:

> Letter has been sent out in the mail.
>
> On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
>
> > looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

[redacted]

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

[redacted]

t

AMERICAN OVERSIGHT

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/23/2022 8:23:19 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Re: [redacted] ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Agree, For the future I suggest we start using google drive for shared documents and to track changes. Having letters circulating via email leaves too much room for error, not knowing who has the final document and what changes have been made.

On Tue, Mar 22, 2022 at 10:56 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

[redacted]

Need to use Track Changes assiduously going forward.
ELS

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

On Tue, Mar 22, 2022 at 6:31 PM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
No problem. ☺☺☺☺

On Tue, Mar 22, 2022 at 1:22 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
Would you please send me the final letter in pdf format?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
Letter has been sent out in the mail.

On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
looks good, I would get it out.

[redacted]

[redacted]

[redacted]

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

[redacted]

--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

--

Sincerely,

Jon Russell
Senior Advisor
OFFICE of SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.659.3307 | jon.russell@doe.virginia.gov

"Education is the key to unlock the golden door of freedom."
- George Washington Carver

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/23/2022 9:37:46 AM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc:
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Great idea. We have shared drives we can use to house & review documents.
ELS

On Wed, Mar 23, 2022 at 8:23 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> Agree, For the future I suggest we start using google drive for shared documents and to track changes. Having letters circulating via email leaves too much room for error, not knowing who has the final document and what changes have been made.
>
> On Tue, Mar 22, 2022 at 10:56 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
> Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege
> Need to use Track Changes assiduously going forward.
> ELS

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

> On Tue, Mar 22, 2022 at 6:31 PM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> > No problem. ????
> >
> > On Tue, Mar 22, 2022 at 1:22 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
> > > Would you please send me the final letter in pdf format?
> > >
> > > **Elizabeth L. Schultz**
> > > **Assistant State Superintendent of Public Instruction**
> > > Virginia Department of Education
> > > 101 North 14th Street
> > > Richmond, Virginia 23219
> > > 804-658-6043
> > > elizabeth.schultz@doe.virginia.gov
> > >
> > > CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*
> > >
> > > On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> > > > Letter has been sent out in the mail.
> > > >
> > > > On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > > > > looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

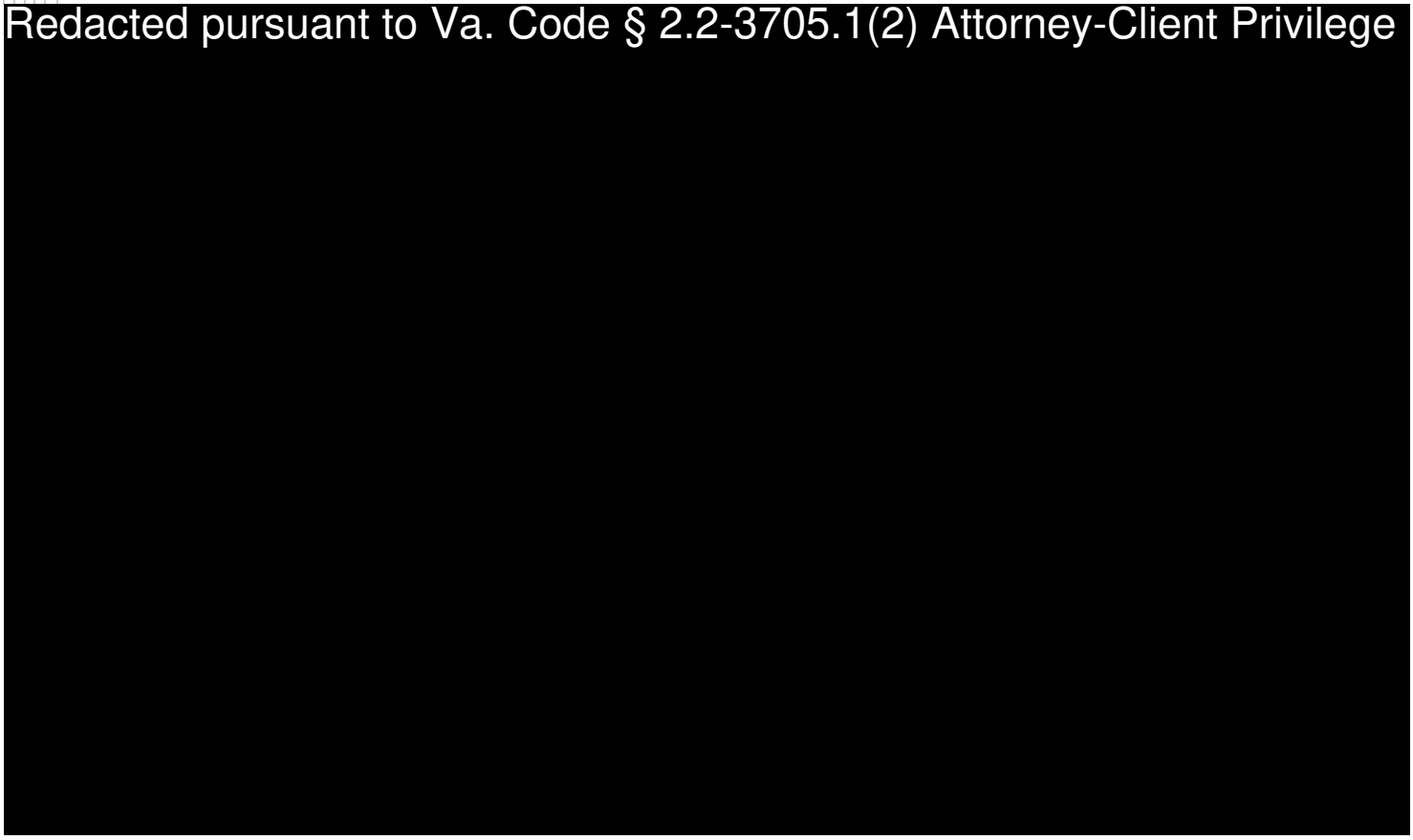
101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege



--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

--

Sincerely,

Jon Russell
Senior Advisor
OFFICE of SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.659.3307 | jon.russell@doe.virginia.gov

"Education is the key to unlock the golden door of freedom."
- George Washington Carver

--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/22/2022 6:31:25 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Attachments: Lettertofightforschools (1).pdf

No problem. ����

On Tue, Mar 22, 2022 at 1:22 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
> Would you please send me the final letter in pdf format?
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov
>
> CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*
>
> On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> > Letter has been sent out in the mail.
> >
> > On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > > looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/14/22

Ian Prior
Executive Director of Fight for Schools
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and the provided supporting documentation in regards to Loudoun County Public Schools Superintendent Scott Ziegler.

Please know the issues raised in the letter are being monitored very closely. As the Office of the Attorney General (OAG) is currently conducting an investigation of the school district, any decision or action with respect to the Loudoun County School District and Dr. Ziegler will be held until the completion of the OAG's work.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/17/2022 10:16:19 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Russell, Jon" <jon.russell@doe.virginia.gov>
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

---

looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

[redacted]

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

AMERICAN OVERSIGHT

elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/9/2022 6:52:21 PM
To: "Ben Kiser" <b.kiser@vassonline.org>, ztalley@martinsville.k12.va.us
Cc: "Aimee Guidera" <aimee.guidera@gov-elect.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Samantha Hollins" <samantha.hollins@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>, "Loving-ryder, Shelley" <Shelley.Loving-Ryder@doe.virginia.gov>, "Kent Dickey" <Kent.Dickey@doe.virginia.gov>, "Dave Myers" <dave.myers@doe.virginia.gov>, "Joan Johnson" <joan.johnson@doe.virginia.gov>, "Atkins, Rosa" <rosa.atkins@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Subject: Thank you and follow-up

Superintendent Talley, Executive Director Kiser,
Thank you for the productive meeting yesterday. Secretary Guidera and I appreciated the opportunity to visit with superintendents. We were encouraged by the conversation and next steps. Continued dialogue and a shared understanding about our work going forward is essential. In follow-up, here are action items:

- My team and I will seek input from superintendents as we develop the 90-day report required in Governor Youngkin's Executive Order #1. The report, among other things, will address #12 in the executive order. Closing Virginia's achievement gap is a goal for all of us.
- Direct communication is important. I will send a weekly update with a preview of superintendent's memos, federal updates, and other information for superintendents.
- We will continue to prioritize meetings with region representatives. In the next week, we will send out a reminder of who your VDOE liaison is - please reach out to your liaison or me anytime.

I am confident our work together will continue to be productive and beneficial for all of Virginia's students.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 3/16/2022 10:12:26 AM
To: "Westfall, Rebecca" <rebecca.westfall@doe.virginia.gov>
Cc:
Subject: Accessibility

Attachments: covid-guidelines-child-care-english.pdf

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

Updated COVID-19 Guidance for Child Care Programs

March 2, 2022

Purpose

As current COVID-19 infections decline and vaccinations and natural immunity increase within the general population, Virginia is on a path toward normalcy. This guidance is for child care centers and family day homes. This document supersedes all previous guidance issued by the Virginia Department of Education (VDOE).

This guidance provides discretion so programs can work closely with parents to implement practices that best meet the needs of individual programs and their families. Guidance is not mandatory, and is not subject to enforcement by the Office of Child Care Health and Safety. The VDOE will continue to inspect regulated and licensed programs for health and safety requirements based on the Code of Virginia and in regulation (8VAC20-770 through 8VAC20-850, as appropriate).

Child care programs are encouraged to practice multiple prevention strategies and remain vigilant about changing conditions. The benefit of mitigation efforts must always be weighed against the cost to children's overall well-being. Here are key prevention strategies that child care programs in Virginia should consider:

1. **Vaccinations**
   - All child care staff are encouraged to get vaccinated. Employers should facilitate employees getting vaccinated.

2. **Staying Home When Sick**
   - Instruct any children, teachers, and staff who have symptoms of infectious illness, such as influenza (flu) or COVID-19, to stay home and seek advice on testing and treatment from their physician.
   - If a child becomes sick while in care, arrange for the child to be picked up, while the child waits in a separate isolation room/area.

3. **Face Masks**
   - As relates to staff, providers should refer to the Virginia Department of Labor and Industry (DOLI) standards and updates. Note that updated guidance will encourage employers to permit workers and customers the choice of whether to wear a mask, except as otherwise required by their employer or VOSH pursuant to Va. Code §40.1-51.1.A.

AMERICAN OVERSIGHT
VA-22-0316-A-000546

- On January 15, 2022, Governor Youngkin issued Executive Order Number Two (2022) and Order of Public Health Emergency One that rescinded a previous executive order and health order requiring masking of children in public and private school settings.
- On February 16, 2022, Governor Youngkin signed into law SB739 which provides parents the right to opt-out of local school mask mandates on school property. The law also indicates that families do NOT have to provide a reason for opting out and students may NOT face consequences for not wearing masks. All school divisions in Virginia must comply by March 1, 2022.
- The rationale for these actions would be applicable in the child care setting. Programs are therefore encouraged to allow families to make choices about masking that best meet the needs of their children.
- Programs that accepted federal relief funding should follow the updated CDC guidance to the extent practicable AND provide parents the right to opt children out of mask mandates.
- Face masks should NEVER be put on babies and children under age two because ofthe danger of suffocation. Face masks are NOT recommended for any child who is eating, drinking, sleeping, has trouble breathing, or is unable to remove without assistance.

Programs should contact their assigned licensing inspector or the Office of Child Care Health and Safety in their region with questions.

AMERICAN OVERSIGHT
VA-22-0316-A-000547

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 3/14/2022 5:18:42 PM
To: "Emily Webb" <emily.webb@doe.virginia.gov>
Cc:
Subject: Board Presentations

Attachments: final-legislative-report-031422-legislation-only.docx

---

Hey Emily -

I made a few updates to the presentations given where we are with the budget and bills in conference. See links below.

There are no real substantive changes except a few slides on the GA updates about the budget. Because the recap presentation is more policy-focused, I didn't get into the numbers for the budget, just concepts. Let me know if you'd like to add those in. Alternatively, I could work with Ed on an April presentation to discuss the finalized budget.

Overview of the Literacy Act
Recapping the 2022 General Assembly

Lastly, attached is the written legislative report. I am sending it as an attachment to avoid any formatting issues.

Let me know if there is anything else I can provide.

Thanks!

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA IS FOR LEARNERS

REPORT ON 2022 GENERAL ASSEMBLY ACTIVITY

This report provides an update on the status of legislation introduced during the 2022 Regular Session of the General Assembly related to preK-12 education as well as early childhood care and education.

Updated as of March 14, 2022.

AMERICAN OVERSIGHT

VA-22-0316-A-000549

TABLE OF CONTENTS

Assessments **1**

Athletics, Interscholastic Programs, and Youth Sports **2**

Board of Education **3**

Charter and College Partnership Laboratory Schools **4**

Early Childhood Care and Education **4**

Facilities and Transportation **5**

Facilities 5

Transportation 8

Learning and Instructional Material **8**

Career and Technical Education 8

Family Life Education 9

General Curriculum and Instructional Material 9

Governor's Schools 12

Literacy 13

Other 13

STEM+C 14

Local School Boards and Divisions **16**

Miscellaneous **17**

School Health and Nutrition **18**

School Health 18

School Nutrition 19

School Safety and Discipline **19**

Special Education and the Children's Services Act **22**

Standards of Quality **23**

Studies **23**

Student Services **24**

Teacher Education and Licensure **25**

Teacher Employment and Compensation **25**

Tax Credits, Vouchers, and Savings Programs **28**

AMERICAN OVERSIGHT

***Bills that are greyed out were either continued to 2023, incorporated, left in committee, or failed to report.**

ASSESSMENTS

HB197 (Webert) Public elementary and middle schools; student growth assessments; NWEA MAP Growth assessment program. Requires the Board of Education, in implementing the through-year growth assessment system for the administration of reading and mathematics assessments in grades three through eight, to seek input and suggestions from each interested local school division in the Commonwealth regarding ways in which such system can emulate the functionality of the NWEA MAP Growth assessment program, including ease of administration and use, and shall, to the extent possible, incorporate such input and suggestions into the through-year growth assessment system.

HB433 (Bulova) Certain Standards of Learning assessments; method of administration. Requires (i) the reading and mathematics Standards of Learning assessments in grades three through eight and the science assessments administered to students in grade five and after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight to be traditional achievement tests and (ii) the Virginia Studies and Civics and Economics assessments to be performance based and to measure the test taker's ability to apply the skills and knowledge learned in the class. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also requires the Department of Education, with such funds as may be appropriated for such purpose pursuant to the general appropriation act, to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and align with the Department's Virginia Quality Criteria Review Tool for Performance Assessments. *Incorporated, in part, into HB585 (VanValkenburg)

HB585 (VanValkenburg) Middle and high school end-of-course assessments; number and type. Requires, except for those middle and high school students with significant cognitive disabilities who participate in an alternate assessment, each student in middle and high school to take only those end-of-course Standards of Learning assessments necessary to meet federal accountability requirements and Virginia high school graduation requirements. The bill requires the Department of Education, in addition to such assessments, to develop or adopt and require each high school student to take, during junior year or at such other time as may be appropriate, statewide skills-based and performance-based end-of-course assessments in biology and U.S. history that are aligned to the Standards of Learning for each such subject. The bill requires each such assessment to be graded by the Department of Education according to statewide grading rubrics. The bill requires student performance on each such assessment to account for 10 percent of the student's final grade in each such course. The foregoing provisions of the bill have a delayed effective date of July 1, 2027, and the bill provides that the first such assessments shall be administered during the spring of the 2027–2028 school year. The bill further requires the Department of Education to (i) semiannually publish on a publicly accessible portion of its website sample statewide skills-based and performance-based end-of-course assessments in biology and U.S. history during the 2022–2023 through 2026–2027 school years and (ii) annually administer a pilot program during the 2023–2024 through 2026–2027 school years whereby it administers skills-based and performance-based end-of-course assessments in biology and U.S. history to high school juniors in select school divisions to determine the validity of such assessments and make such adjustments as may be necessary before the first such assessments are administered statewide during the spring of the 2027–2028 school year.

SB430 (Dunnavant) Department of Education; assessing individual student growth. Requires the Department of Education to create or request proposals for a system for value-added modeling to assess growth of students in public schools. The bill requires each school board in the Commonwealth to, upon the creation of such system, implement the system and make reports made by the system available to parents or guardians for their child's report and the Department. *Continued until 2023.

AMERICAN OVERSIGHT
VA-22-0316-A-000551

SB760 (Suetterlein) Department of Education; task bank for performance-based assessments. Requires the Department of Education to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and aligns with (i) the Department's Virginia Quality Criteria Review Tool for Performance Assessments, (ii) the content in the standards of quality, and (iii) the skills in the Profile of a Graduate. The bill provides that school divisions may select tasks from the task bank.

ATHLETICS, INTERSCHOLASTIC PROGRAMS, AND YOUTH SPORTS

HB522 (March) Students who receive home instruction; participation in interscholastic programs. Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is a person of school age for whom public school is free; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2027.

HB844 (Lopez) and SB285 (Ebbin) High school interscholastic athletic competition; prevention of hate speech and ethnically or racially insensitive expressions. Requires the organization governing high school athletics and academic activities for public and approved nonboarding nonpublic high schools (the organization), with such funds as may be appropriated by the General Assembly for such purpose pursuant to the general appropriation act, to develop (i) rules and standards for the prevention of inequities involving the use of hate speech or ethnically or racially insensitive expressions during athletic and academic competitions sponsored by the organization's member schools, (ii) procedures for the enforcement of and penalties for the violation of such rules and standards, and (iii) training materials on such rules and standards. The bill requires each member school of the organization to abide by and implement such rules, standards, procedures, and penalties and ensure that each student who will participate in high school interscholastic athletic or academic competition, the parent of each such student, and each individual, whether paid or unpaid, who coaches a team that will participate in high school interscholastic athletic or academic competition receives and reviews such training materials. The bill requires the organization to make part of the process to become a registered official in good standing for any association offering services to the organization an education and training requirement that is consistent with the training materials developed by the organization. The bill has a delayed effective date of January 1, 2023.

HB1043 (Tran) and SB483 (McClellan) Department of Education; recommendations on background check and training requirements for youth sports coaches and staff. Directs the Department of Education to make recommendations regarding appropriate background check and training requirements for coaches, staff members, and other volunteers of competitive sports leagues in which persons under the age of 18 participate. The bill requires the Department of Education to consult with child sexual assault victims advocates and youth competitive sports leagues in making its recommendations and to submit to the Governor and General Assembly a report of its recommendations by November 1, 2022.

AMERICAN OVERSIGHT
VA-22-0316-A-000552

HB1298 (Price) Certain student-athletes; compensation for name, image, or likeness. The bill prohibits any (i) high school student-athlete who participates in interscholastic athletic competition from entering into any contract to receive compensation in exchange for the use of such student's name, image, or likeness and (ii) student-athlete enrolled at an institution of higher education in the Commonwealth who participates in intercollegiate athletic competition from entering into any contract to receive compensation in exchange for the use of such student's name, image, or likeness, the duration of which extends beyond the student's enrollment at such institution.

SB161 (Hashmi) Department of Education; heat-related illness; guidelines. Directs the Department of Education, in conjunction with stakeholders, to develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk of heat-related illness, how to recognize the signs of heat-related illness, and how to prevent heat-related illness to be distributed to local school divisions by August 1, 2022.

SB766 (Kiggans) Schools; athletics; participation in female sports; civil cause of action. Requires each elementary or secondary school or a private school that competes in sponsored athletic events against such public schools to designate athletic teams, whether a school athletic team or an intramural team sponsored by such school, based on biological sex as follows: (i) "males," "men," or "boys"; (ii) "females," "women," or "girls"; or (iii) "coed" or "mixed." Under the bill, male students are not permitted to participate on any school athletic team or squad designated for "females," "women," or "girls"; however, this provision does not apply to physical education classes at schools. The bill provides civil penalties for students and schools that suffer harm as a result of a violation of the bill. Such civil actions are required to be initiated within two years after the harm occurred.

BOARD OF EDUCATION

HB879 (Rasoul) Board of Education; membership; qualifications. Requires the nine-member Board of Education, all of whom are appointed by the Governor, to include at least one member with experience or expertise in local government leadership or policymaking, at least one member with experience or expertise in career and technical education, and at least one member with experience or expertise in early childhood education.

HB938 (Robinson) Board of Education; stakeholder group; evaluation of and recommendations for certain current and proposed policies and performance standards for public elementary and secondary schools. Requires the Board of Education to collaborate with the Superintendent of Public Instruction and the Secretary of Education to convene a group of stakeholders to include parents, public school principals, public school superintendents, public school board members, institutions of higher education, the State Council of Higher Education for Virginia, industry partners and employers, and other concerned stakeholders to evaluate, to implement where possible, and to otherwise make recommendations to the General Assembly regarding seven enumerated goals. The bill requires the Secretary of Education and the Superintendent of Public Instruction, no later than November 30, 2022, to report to the chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such evaluation and recommendations to achieve such goals.***This is a Governor's bill. The companion bill, SB558 (Suetterlein), failed to report from Senate Education and Health.**

HB1188 (Davis) Board of Education; Student Advisory Board. Establishes a Student Advisory Board for the purpose of providing student perspectives on matters before the Board of Education. The Advisory Board shall consist of eight members appointed by the Governor, each of whom shall be a high school student who will enter senior year during the following school year and each of whom shall reside in a different Superintendent's region.

AMERICAN OVERSIGHT
VA-22-0316-A-000553

CHARTER AND COLLEGE PARTNERSHIP LABORATORY SCHOOLS

HB344 (Davis), SB608 (Suetterlein), and SB635 (Chase) Public charter schools; applications; review and approval. Permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions. ***These are Governor's bills.**

HB346 (Davis) and SB598 (Pillion) College partnership laboratory schools; application and establishment. Permits any public institution of higher education, private institution of higher education, or private business to apply to the Board of Education (the Board) to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school and no explicit provision is made for the conversion of an existing school. The bill requires the Board, in reviewing such applications, to give substantial preference to any application from a historically black college or university and any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board. ***These are Governor's bills and because they were still in conference at the time of adjournment, will be carried over to the special session.**

HB356 (Tata) and SB125 (Obenshain) Public schools; regional charter school divisions. Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school. ***These were Governor's bills.**

EARLY CHILDHOOD CARE AND EDUCATION

HB41 (Scott) Early childhood care and education; publicly funded providers; assessment of children. Provides that, except as otherwise required by federal law, no child who is enrolled at a publicly funded provider shall be required to participate in the Virginia Kindergarten Readiness Program or any other program for the assessment of the child's cognitive ability, development, learning, or readiness for kindergarten.

HB389 (Bulova) Early childhood care and education; regional entities; Child Care Subsidy Program Overpayment Fund established. Requires the Board of Education to establish a system of regional entities that will be responsible for coordinating early childhood care and education services, guiding quality improvement of such services and coordinated access to such services for families, and implementing the uniform measurement and improvement system. The bill establishes the Child Care Subsidy Program Overpayment Fund, consisting of all overpayment moneys collected or recovered by the Department of Education or any state or local agency contracted to administer the Child Care

AMERICAN OVERSIGHT
VA-22-0316-A-000554

Subsidy Program, net of any refunds due to the federal government, to be used solely for the purpose of covering the cost of providing training and supports to early childhood care and education entities. ***This is an agency bill.**

HB994 (Brewer) and SB529 (Reeves) Board of Education; Child Care Subsidy Program; Armed Forces. Directs the Board of Education (the Board) to amend its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill. ***These are Governor's bills and have been signed by the Governor.**

HB1328 (Delaney) and SB737 (Boysko) Early childhood care and education entities; administration of epinephrine. Requires the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity, to be administered by any nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any child believed to be having an anaphylactic reaction. The bill mandates that such policies shall require that at least one school nurse, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular facility hours any such epinephrine that is stored in a locked or otherwise generally inaccessible container or area. This bill shall be known as Elijah's Law.

SB193 (Mason) Child day programs; licensure; accredited private schools. Adds to the list of child day programs not required to be licensed by the Superintendent of Public Instruction to operate in the Commonwealth programs offered by accredited private schools that are in good standing with the Virginia Council for Private Education and operate for no more than four hours per day. The bill provides that, to be exempt from licensure, such accredited private school programs must be staffed by the accredited private school's employees and attended by children who are at least five years of age and are enrolled in the school. The bill requires such programs to be subject to safety and supervisory standards established by the Virginia Council for Private Education.

SB574 (Mason) Child care; background checks. Allows applicants for employment and applicants to serve as volunteers to work in certain child day centers, family day homes, and family day systems pending the results of a full background check, provided that (i) the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation and (ii) the applicant is supervised at all times by a person who received a qualifying result on a full background check within the past five years.

FACILITIES AND TRANSPORTATION

FACILITIES

HB63 (Edmunds) Additional local sales and use tax to support schools. Adds Prince Edward County to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.

HB251 (Simonds) and SB481 (McClellan) School boards and local governing bodies; unexpended local funds; school maintenance, renovation, and construction. Encourages each school board to enter into a collaborative agreement with the local governing body to set aside in a separate fund any sums appropriated to the school board by the local governing body that are unexpended by the school board in any year in order to use such sums to finance school maintenance, renovation, or construction in the local school division. The bill declares any school board that fails to enter into such a collaborative agreement ineligible to participate in any state grant, loan, or bond program that supports school maintenance, renovation, or construction. This bill is a recommendation of the Commission on School Construction and Modernization.

AMERICAN OVERSIGHT
VA-22-0316-A-000555

HB253 (Simonds) Literary Fund; loans; application process; maximum loan amounts; rates of interest; closing costs; waiting lists. Makes several changes to the provisions relating to loans from the Literary Fund to finance the construction and renovation of public elementary and secondary school buildings in the Commonwealth. The bill requires the Board of Education (the Board) to establish an annual open application process for Literary Fund loans to occur during the period that the Board deems most suitable. The bill increases from $7.5 million to $25 million the maximum Literary Fund loan amount and permits the Board to increase such maximum to up to $35 million for loans for any school construction or renovation project that facilitates the consolidation of schools. The bill requires the Board to fix the interest rate on all loans made from the Literary Fund at not less than one percent per year, not more than three percent per year, and at increments of one half of one percent per year between such minimum and maximum rates, payable annually, and to utilize a sliding scale based on the local school division's composite index of local ability to pay to determine the interest rate on each such loan. Under current law, such rates are required to be set between two and six percent per year. The bill requires the Board to establish a competitive program for the award of up to $25,000 to a school division that receives a Literary Fund loan for the purpose of subsidizing all or a portion of the closing costs for such loan. The bill also permits the Board to remove any project that has been inactive for at least five years from any Literary Fund loan project waiting list that it maintains. This bill is a recommendation of the Commission on School Construction and Modernization.

HB391 (Frietas) Certain school board property; establishment of gun-free zone permitted. Removes the authority of any school board to deem any non-school zone building or property that it owns or leases where employees of such school board are regularly present for the purpose of performing their official duties as a gun-free zone. Under current law, any school board may prohibit any individual, subject to exceptions, from knowingly possessing, purchasing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property.

HB559 (O'Quinn) Local school boards; composite index of local ability-to-pay; required local effort; adjustment in certain circumstances. Provides that in any case in which a local school board enters into a comprehensive agreement with a private entity pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 whereby the private entity finances the construction of a new public school building in the local school division through the issuance of bonds; leases the building to the local school board in an arrangement such as a certificate of participation, a double net lease, or a triple net lease; and expects the local school board to make lease payments in an annual amount that approximates or is equal to the annual debt service on such bonds, the Department of Education shall not consider 50 percent of such lease payments as capital outlay and debt service and therefore shall not subtract such payments in the biennial calculation of net local expenditures for operations or required local effort for the purpose of determining such local school division's composite index of local ability-to-pay, if so requested by the local school board.

HB563 (O'Quinn) School Construction Matching Grant Fund and Program; established; funding sources. Establishes the School Construction Matching Grant Fund and Program for the purpose of awarding matching grants on a competitive basis to local school boards that demonstrate poor school building conditions, commitment, and need, based on certain enumerated factors, in order for such local school boards to fund the construction of new public school buildings in the local school division. The bill permits the Board of Education to transfer sums from the Literary Fund to the School Construction Matching Grant Fund and for the Department of Education to use such sums to provide matching grants pursuant to the Program.

HB608 (Bourne) and SB276 (Stanley) School boards; unexpended local funds; capital projects. Permits any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year. The bill is a recommendation of the Commission on School Construction and Modernization. ***HB608 (Bourne) was left in House Education. SB276 (Stanley) was incorporated in SB481 (McClellan).**

AMERICAN OVERSIGHT
VA-22-0316-A-000556

HB1100 (LaRock) and SB603 (Stanley) Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. Requires the Board of Education (the Board) to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022. This bill is a recommendation of the Commission on School Construction and Modernization.

SB37 (Norment) Sales tax; additional local tax for schools. Adds Isle of Wight County to the list of localities that, under current law, are authorized to impose an extra one percent local sales tax. Revenue from the tax may be used only for constructing or renovating schools.

SB117 (Newman) K-12 funding. Provides that for any year in which there is a surplus, the Governor shall include in his proposed budget an appropriation of five percent of such surplus for the operational costs of local school divisions. The bill provides for an equivalent decrease in the amount of operational costs funded by the Lottery Proceeds Fund and an equivalent increase in the amount of funds in the Fund restricted exclusively for local school divisions' capital construction and renovation costs. If the restricted amount is equal to or greater than the amount in the Fund, the increases and decreases are no longer required under the bill. ***SB117 was incorporated in SB473 (McClellan).**

SB238 (McPike) Department of Education; school division maintenance reserve tool. Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill requires the Department of Education to consider converting or using as a template the Department of General Services' M-R FIX tool to meet the above requirement to maintain such a tool. This bill is a recommendation of the Commission on School Construction and Modernization. ***The companion bill, HB252 (Simonds), was left in House Education.**

SB298 (Deeds) and HB545 (Hudson) Additional local sales and use tax to support schools. Adds the City of Charlottesville to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.

SB472 (McClellan) Additional local sales and use tax to support schools. Authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools. Under the bill, the tax can only be imposed if it is initiated by a resolution of the local governing body and approved by the voters in a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed, and revenue from the tax is required to be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax. Under current law, only Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, and the City of Danville are authorized to impose such a tax. ***The companion bills, HB531 (Hudson) and HB1099 (LaRock), were left in House Finance.**

AMERICAN OVERSIGHT
VA-22-0316-A-000557

SB473 (McClellan) Department of Education; School Construction Fund and Program; Gaming Proceeds Fund revenues. Establishes the School Construction Fund as a special nonreverting fund in the state treasury and requires the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities. The bill provides that three percent of any fiscal year's budget surplus shall be appropriated to the School Construction Fund and Program. The bill also provides that any remaining revenues not appropriated by the Gaming Proceeds Fund shall be appropriated to the School Construction Fund and Program. Under current law, any remaining revenues in the Gaming Proceeds Fund not appropriated remain in the Fund until appropriated by the General Assembly for programs established to address public school construction, renovations, or upgrades. ***The companion bill, HB254 (Simonds), was left in House Appropriations.**

TRANSPORTATION

HB113 (March) Public school buses; decals; "In God We Trust" and "One Nation Under God." Permits local school boards, notwithstanding any regulation to the contrary, to display on the sides and rear of public school buses decals containing the motto "In God We Trust" or the phrase "One Nation Under God", provided that no such decal obstructs the name of the school division or the number of the school bus.

HB313 (Krizek) Public school buses; seat belts. Requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2040, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

HB452 (Bennett-Parker) Public school buses; display of advertising; hiring of school bus drivers in the local school division. Permits any local school board, notwithstanding any regulation to the contrary, to display decals, posters, and stickers on the sides and rear of school buses advertising the hiring of school bus drivers in the local school division, provided that the local school board is responsible for the cost of such decals, posters, and stickers and that no such decal, poster, or sticker obstructs the name of the school division or the number of the school bus.

LEARNING AND INSTRUCTIONAL MATERIAL

CAREER AND TECHNICAL EDUCATION

HB1064 (Brewer) and SB628 (Stanley) Public School Trades Incentive Fund and Program; established. Establishes the Public School Trades Incentive Fund (the Fund) and the Public School Trades Incentive Program (the Program) for the purpose of providing grants on a competitive basis from the Fund to any school board that seeks to (i) restore high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials or (ii) create or restore middle school programs that encourage and recruit students to participate in high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials. The bill requires the Department of Education to administer the Program and to establish such rules and procedures relating to applications and awards as it deems appropriate, provided that the Department considers and gives appropriate weight to certain criteria for grantees. The bill permits any grantee to use Program funds for equipment, curriculum development, or instructor training. The bill requires each grantee to longitudinally track students who complete any program for which the school board received funds in order to determine the effectiveness of the (a) new or restored middle school programs in recruiting students to participate in restored high school programs and (b) restored high school programs in matching students with high-paying jobs in the fields in which they are certified or credentialed.

AMERICAN OVERSIGHT
VA-22-0316-A-000558

HB718 (Filler-Corn) and SB661 (Lucas) Virginia Board of Workforce Development; powers and duties; collaboration to develop apprenticeship program. Directs the Virginia Board of Workforce Development to assist the Governor in collaborating with the Department of Education and the Secretaries of Labor, Education, and Commerce and Trade to develop and administer an office that shall serve as the primary office for apprenticeship programs. The Department of Education and the Secretaries of Labor, Education, and Commerce and Trade shall rely on data from the Office of Education and Labor Market Alignment in developing apprenticeship programs that are based on high-demand industry needs.

FAMILY LIFE EDUCATION

HB785 (LaRock) Family life education curriculum guidelines; human reproduction; viewing of ultrasound video recording. Requires the instruction on human reproduction contained in the Board of Education's family life education curriculum guidelines to include the viewing of a video recording of an ultrasound of a live unborn human in the uterus.

HB789 (LaRock) Family life education programs; student participation; summaries. Prohibits any public elementary or secondary school student from participating in any family life education program without the prior written consent of his parent. The bill requires the summary that is required to be posted and distributed to parents for each such program to include contact information for the individual or office responsible for maintaining printed and audio-visual program materials.

HB1023 (Guzman) Certain family life education curricula; optional instruction on human trafficking. Permits any family life education curriculum offered by a local school division before high school to incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of human trafficking of children.

HB1347 (LaRock) Family life education instruction; school year time limit. Requires each school board that offers a family life education curriculum to limit instruction delivered to students pursuant to such curriculum to one hour per school year in each grade level.

GENERAL CURRICULUM AND INSTRUCTIONAL MATERIAL

HB533 (Batten) Public elementary and secondary schools; agreements to establish opportunity classrooms. Requires each school board to enter into an agreement, upon request, with a public elementary or secondary school teacher or a group of such teachers in a local school division who represents more than 20 students to establish an opportunity classroom, which the bill defines as a classroom in which a curriculum in English, mathematics, science, history and social science, and any other subject area, as set forth in such agreement, is offered that is different than any curriculum that is otherwise offered in such subject areas in the local school division. The bill permits each school board to enter into such agreement for an opportunity classroom if the requesting teacher or group of teachers represents fewer than 20 students. The bill contains requirements for such agreements to establish opportunity classrooms and provisions relating to funding for opportunity classrooms and for services, transportation, and assessments for students who are enrolled in an opportunity classroom.

HB781 (Williams) Public elementary and secondary schools; student citizenship skills; certain instructional policies prohibited; parental rights; disclosures; penalties; other remedies. Requires the Board of Education to incorporate into each relevant Standard of Learning and associated curriculum framework a requirement that each student demonstrate the understanding of, among other concepts, the fundamental moral, political, and intellectual foundations of the American experiment in self-government, as well as the history, qualities, traditions, and features of civic engagement in the United States. The bill prohibits any public school teacher or other instructional staff member from being required to discuss any current event or widely debated and currently controversial issue of public policy or social affairs and provides that any such employee who chooses to discuss any such event or issue in the scope of his instructional duties shall, to the best of his ability, strive to explore

AMERICAN OVERSIGHT
VA-22-0316-A-000559

such issues from diverse and contending perspectives, without giving deference to any one perspective. The bill prohibits the Board and Department of Education and each local school board from teaching, instructing, or training certain individuals and groups, including teachers and students, to support, believe, endorse, embrace, confess, act upon, or otherwise assent to a divisive concept, as defined in the bill, or penalizing or discriminating against any such individual or group for refusing to do so. The bill also prohibits any school board or employee thereof from teaching or incorporating into any course or class any such divisive concept or creating a position or hiring a consultant with the job title of equity director or diversity director or a substantially similar title and with a job description that includes any activity that would result in a violation of a provision of the bill. The bill further declares that the parent of each student enrolled in a public elementary or secondary school has the right to be aware of all curricula, instructional materials, lessons, and other forms of instruction provided to his child and may request that the student's teacher provide any such item for review. Finally, the bill provides that in the event that a local school board finds that a school board employee has persistently, knowingly, and intentionally violated any of the bill's provisions, the parent of any student affected by such violations may request and the local school board shall provide a voucher in an amount equal to all sums from any source that the local school board received for the education of such student and the parent shall use such voucher to provide for the education of his child in any setting set forth in relevant law.

HB786 (LaRock) Board of Education; policy on certain instructional material and related academic activities; annual parental notification; replacement or alternative material and activities; local compliance. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) annually notify the parent of any student enrolled in a class or course in which the instructional material or related academic activities includes or may include sexually explicit content, as defined in the bill, or content that depicts sexual misconduct, as defined in the bill; (ii) permit the parent of any student to review instructional material that includes sexually explicit content or content that depicts sexual misconduct, upon request; and (iii) provide, as a replacement or an alternative to instructional material and related academic activities that include sexually explicit content or content that depicts sexual misconduct, instructional material and related academic activities that do not include sexually explicit content or content that depicts sexual misconduct to any student whose parent so requests.

HB787 (LaRock) Training or instruction on certain concepts in public elementary and secondary education; declaration as unlawful and discriminatory practice. Declares it an unlawful and discriminatory practice for any local school board or employee or contractor thereof to train or instruct any individual on any divisive concept, as defined in the bill, for the purpose of promoting and encouraging such individual to adopt or believe such concept. The bill requires the Department of Education to establish model policies for the prevention of such unlawful and discriminatory practice and each local school board to adopt policies that are consistent with but may be more comprehensive than the model policies established by the Department.

HB946 (Wampler) Board of Education; local school boards; public notice and comment regarding certain materials. Requires the Board of Education (the Board), in order to provide appropriate opportunity for input from the general public, parents, teachers, and local school boards, to solicit public comment prior to revising, adopting, or approving any Standards of Learning resource guide or curriculum framework, list of recommended textbooks in any Standards of Learning academic subject, textbook, instructional aid or material, or required or recommended reading list. The bill requires the Board to publish notice of its intended action at least 30 days prior to soliciting public comment, provide interested parties reasonable opportunity to be heard and present information prior to final action of the Board, and make such materials available for public inspection at least 30 days prior to final revision, adoption, or approval, as the case may be. Under current law, such requirements for public input apply only to the adoption or revision of Standards of Learning resource guides and lists of recommended textbooks in any Standards of Learning academic subject. The bill also requires the Board to establish minimum standards for local school boards to provide appropriate opportunity for input from the general public, parents, and teachers by soliciting public comment prior to revising,

AMERICAN OVERSIGHT
VA-22-0316-A-000560

adopting, or approving any curriculum, textbook, instructional aid or material, or required or recommended reading list. The bill requires each local school board to comply with such minimum standards, which are required to include opportunities for public input that are substantially similar to those that are required to be provided by the Board.

HB1032 (LaRock) Superintendent of Public Instruction and local school boards; standards for certain public school library materials; parental review of library and other educational materials. Requires the Superintendent of Public Instruction to develop and distribute to each local school board and each such school board to enforce throughout the local school division mandatory statewide standards for evaluating, classifying, and removing from any public elementary or secondary school library any explicit material. The bill also permits the Office of the Attorney General to enforce compliance with such standards in any local school division. The bill also establishes means and processes for the review of education materials and the review and approval of library materials by parents, including requiring the parents of all students who attend a public elementary or secondary school to comprise the Parental Review and Approval Committee for such school and requiring such Committee to review and vote to approve or disapprove of each item on a list of proposed library materials distributed to it by the school.

HB1068 (Cordoza) and SB570 (Kiggans) Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited. Requires each public elementary or secondary school principal to ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, as that term is defined in the bill, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity. ***These are Governor's bills.**

HB1126 (Avoli) Public education; parental rights; access to certain facilities and accommodations; instructional content; bullying. Declares that the parent of any student enrolled in a public elementary or secondary school in the Commonwealth has the right to (i) obtain and review any educational material and curriculum utilized in any class or course in which the student is enrolled; (ii) opt his child out of any class or course activity, lesson, or reading assignment or the use of any audiovisual material or library book to which the parent objects; (iii) easily access a list of the title and author of each book in each classroom and each library in the school in which the student is enrolled; (iv) receive notice of and attend any public meeting of the school board governing the local school division in which the student is enrolled; (v) review the annual school division budget and expenditures; (vi) send his child to attend school in a safe environment; and (vii) be updated by the school principal on any violent activity in the school in which the student is enrolled. The bill requires each school board to adopt policies to require each student and school board employee to have access to restrooms, locker rooms, and other changing facilities in public school buildings that are shared only by members of the same biological sex; lodging accommodations during school-sponsored trips that are shared only by members of the same biological sex; and a single-user restroom, locker room, or other changing facility in a public school building, upon request, if the school can reasonably accommodate such a request. The bill also prohibits any school board employee or individual who provides any school-sponsored program from teaching or promoting to any student or school board employee the concept that (a) any race is inherently superior or inferior; (b) any individual is racist, privileged, oppressive, biased, or responsible for actions committed by others of the same race or skin color by virtue of the individual's race or skin color; (c) the United States is fundamentally racist; or (d) market-based economics is inherently racist. The bill finally requires each school board to implement policies and procedures to educate school board employees about bullying and the need to create a school environment in which all individuals are treated with dignity and respect and any incident of bullying is taken seriously and handled in a robust manner.

HB1272 (Batten) and SB739 (Dunnavant) Public elementary and secondary schools and public school-based early childhood care and education programs; student instruction; masks; emergency. Requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the bill, to

AMERICAN OVERSIGHT
VA-22-0316-A-000561

each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill permits, notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, to elect for such child to not wear a mask while on school property. The bill provides that no parent making such an election shall be required to provide a reason or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. The bill requires each local school division to comply with the foregoing provisions relating to masks no later than March 1, 2022. The bill clarifies that none of the foregoing provisions shall be construed to affect the authority granted to the Governor to achieve the purposes of relevant emergency services and disaster law with regard to a communicable disease of public health threat. SB739 contains an emergency clause. ***These are Governor's bills. SB739 (Dunnavant) has already been signed and enacted per its emergency clause.**

SB275 (DeSteph) Public school libraries; printed and audiovisual materials; selection, evaluation, checkout, and removal procedures. Requires each local school board to adopt policies that address the selection and evaluation of all printed and audiovisual materials purchased by, donated to, or otherwise made available to the school division that will be available to students in school libraries and requires such policies to contain clear procedures for (i) parental involvement in and a reasonable opportunity for public comment before the selection and evaluation of printed and audiovisual materials that will be available to students in school libraries; (ii) mandatory prior written parental consent before a student is permitted to check out from the school library any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law; and (iii) the removal from the school library of any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law.

SB656 (Dunnavant) Board of Education; policy on sexually explicit instructional material. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request, and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests. ***These are Governor's bills. The companion bills, HB1007 (Scott) and HB1009 (Durant), were left in House Education and Senate Education and Health, respectively.**

GOVERNOR'S SCHOOLS

HB127 (Davis) Academic year Governor's Schools; certain practices prohibited and permitted. Prohibits any academic year Governor's School or governing board member, director, administrator, or employee thereof from discriminate against any individual or group on the basis of race, sex, color, ethnicity, or national origin in the process of admitting students to such school. Each local school board that jointly manages and controls a regional academic year Governor's school shall collaborate to ensure that each public middle school that is eligible to send students to attend such Governor's school offers coursework, curriculum, and instruction that is comparable in content and in rigor in order to provide each student in each such middle school with the opportunity to gain admission to and excel academically at such Governor's school. ***This is a Governor's bill.**

HB486 (Subramanyam) Thomas Jefferson High School for Science and Technology; admissions requirements. Requires the Thomas Jefferson High School for Science and Technology academic year Governor's School in Fairfax County to annually admit for first-time enrollment as freshmen at least 100 students who reside in the Loudoun County school division.

AMERICAN OVERSIGHT
VA-22-0316-A-000562

LITERACY

HB319 (Coyner) and SB616 (Lucas) Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research. Makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking initial licensure with an endorsement in a certain area, including as a reading specialist, to demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the bill; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each school board to establish a divisionwide literacy plan; and (iv) each local school board to provide a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024-2025 school year. ***These are Governor's bills.**

HB418 (Delaney) Public elementary and secondary education; at-risk add-on funds; Reading Recovery. Removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.

OTHER

HB340 (Davis) Board of Education; high school graduation; alternative pathways to the advanced studies diploma; associated diploma seals. Directs the Board of Education to establish pathways to the advanced studies high school diploma, and associated diploma seals for students who successfully follow and demonstrate excellence on such pathways, that require advanced coursework in career and technical education in lieu of world language courses or any other required course that the Board deems appropriate. The bill requires such pathways and diploma seals to become effective for the 2023-2024 school year and to be available to any student, regardless of the school year during which the student enters ninth grade.

HB1108 (Rasoul) Public schools; instruction concerning gambling. Requires instruction concerning gambling and the addictive potential thereof to be provided by the public schools as prescribed by the Board of Education.

HB1246 (Tran) Public elementary and secondary schools; students; digital tools; accessibility. Requires the Department of Education to convene a work group to provide input and recommendations to the Department of Education, the Board of Education, and the General Assembly no later than November 1, 2022, regarding (i) ways in which school divisions can effectively identify and receive responsive and responsible bids from vendors to procure digital tools, including online platforms, courses, digital applications, information and communication technology services, and digital content, that comply with the federal accessibility standard and (ii) any statutory or regulatory changes that may assist school divisions to procure such digital tools that comply with such standard.

AMERICAN OVERSIGHT
VA-22-0316-A-000563

HB1215 (Ransone) Physical education; public safety training. Requires any physical education class offered to students in grades seven and eight to include at least one hour of public safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training, social media education, and self-defense tactics training.

HB1299 (Coyner) and SB738 (Morrissey) Department of Education; State Council of Higher Education for Virginia; instruction concerning post-graduate opportunities for high school students. Requires the Department of Education to collect and distribute to public schools and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The bill directs the Department to annually collect and compile such information in consultation with the State Council of Higher Education for Virginia and any other entity that can assist the Department with collecting and compiling such information and to update its distribution materials accordingly each year. The bill requires the Department to post and distribute the information to school boards, with any relevant updates, no later than October 1 each year and requires each school board to ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program as described in the bill.

SB78 (Norment) Board of Education; driver education programs; parent/student driver education. Requires the Board of Education to include the requirement for an additional minimum 90-minute parent/student driver education component in its driver education program for all public school divisions. Under current law, the parent/student driver education component is required for Planning District 8 (Northern Virginia) and optional in all other school divisions.

SB384 (Dunnavant) Department of Education; Statewide Learning Management System established. Directs the Department of Education to establish the Statewide Learning Management System (VaLMS). The VaLMS shall be available to each public school in the Commonwealth. The bill allows school boards to utilize the VaLMS as an alternative to a multidivision online provider in the provision of virtual school programs.

STEM+C

HB217 (Simonds) Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board; STEM and Computing (STEM+C); review federal occupational categories; report. Requires the Virginia STEM Education Advisory Board (the Board) to (i) review the occupational categories in the U.S. Bureau of Labor Statistics' standard occupational classification system to determine the occupational categories that are not properly captured in the Commonwealth's existing STEM+C workforce profile and the gaps in the Commonwealth's tracking of careers in these occupational categories for the purpose of better aligning K%9616 education priorities and the Board's tracking and coordination of STEM+C and (ii) share its findings with the Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment (the Office) to include in the Office's efforts to specifically align STEM+C workforce and education. The bill requires the Board, in conducting such review, to focus on occupational categories such as advanced manufacturing, agriculture, financial systems, health care, military, and K12 education careers that are not currently tracked or categorized by the U.S. Bureau of Labor Statistics as STEM+C career fields. The bill also requires the Board to submit its findings and any recommendations to the General Assembly no later than October 1, 2022.

HB221 (Davis) and SB239 (Hashmi) STEM+C; Virginia STEM Education Advisory Board. Adds science, technology, engineering, mathematics and computing (STEM+C), which includes real-world, interdisciplinary, and computational instruction and preparation of students in STEM+C, to the list of topics that shall be included in the Standards of Learning for the Commonwealth. The bill also directs

AMERICAN OVERSIGHT
VA-22-0316-A-000564

the Virginia STEM Education Advisory Board to develop and submit to the Board of Education (i) a rubric that shall be used by the Board of Education in setting out what factors permit a school to be defined as a STEM school and (ii) recommendations for the Board to create a measurement for quality of STEM programming in general education instruction. The bill also directs the Virginia STEM Education Advisory Board to draft and report to the Department of Education proposed common language and terminology that better defines the basic literacies employed in STEM+C as methodological approaches to solving universal human challenges and, as essential, generalizable and transferable literacy toward the application of skills and content needed to solve those challenges. The bill also directs the Department of Education, based on such proposed language and terminology and no later than December 1, 2022, to recommend finalized language and terminology to the Board of Education.

HB362 (Subramanyam) Department of Education; local school boards; instruction on climate change. Requires the Department of Education, in collaboration with environmental groups and other relevant state agencies such as the Department of Environmental Quality and the Department of Health and to assist local school boards in the implementation of programs of instruction that comply with the requirements relating to the Standards of Learning, specifically relating to citizenship and environmental issues and geography necessary for responsible participation in American society and the international community, to develop, no later than July 1, 2023, an interdisciplinary program of instruction on the causes of and potential solutions for climate change. The bill requires each local school board to incorporate, during the 2024-2025 school year, such program of instruction into curricula and instruction in the local school division in each core academic subject area at the grade levels that it deems most appropriate. The bill requires the Department of Education to implement and oversee a one-year pilot program to provide training and technical assistance to a diverse cross section of local school boards to implement such program of instruction in the local school division during the intervening 2023-2024 school year between the development and full local implementation of such program of instruction.

HB636 (Carr) Virginia student environmental literacy; plan; grant fund and program. Requires the Board of Education, in consultation with the Department of Environmental Quality, the Department of Health, any other stakeholder that it deems appropriate, and the public, and in order to assist each local school board in developing and implementing a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning and emphasizes environmental literacy as an essential skill and concept of citizenship that is necessary for responsible participation in American society and in the international community, to establish and update at least once every five years a Virginia student environmental literacy plan (the plan) that (i) prepares students to understand, analyze, and address the major environmental challenges facing the Commonwealth and the United States; (ii) provides field experiences as part of regular school curricula and creates programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition; and (iii) creates opportunities for the enhanced and ongoing professional development of teachers that improves teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom. The bill requires the plan to include a description of (a) how the Board will measure the environmental literacy of students, including relevant Standards of Learning and related curricula and courses or subjects where environmental education instruction will be integrated throughout grades kindergarten through 12 curricula, and the relationship of the plan to the high school graduation requirements established by the Board; (b) programs for the professional development of teachers to improve teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom; and (c) how the Board will implement the plan, including securing funding and other necessary support. The bill establishes the Virginia Student Environmental Literacy Plan Grant Fund and Program, to be administered by the Department of Education, for the purpose of awarding grants on a competitive basis to any local school board that seeks assistance to initiate, expand, or improve teacher professional development opportunities or student environmental education programs that align with the content and objectives of the plan.

AMERICAN OVERSIGHT
VA-22-0316-A-000565

HB1026 (Guzman) Superintendent of Public Instruction; establishment of the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council. Requires the Superintendent of Public Instruction to establish and appoint no more than 12 members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (the Council), including at least one of each of the following: teacher, librarian, representative of a parent-teacher organization who is the parent of a school-age child, school administrator, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill requires the Council to (i) develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media literacy of all students in the local school division; (ii) develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students in public elementary and secondary schools; (iii) design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe, ethical, and responsible use of media and technology by students and teachers; and (iv) submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2023. The bill has an expiration date of July 1, 2024.

SB261 (Hashmi) Virginia STEM Education Advisory Board; comprehensive review of labor statistics categories; report. Directs the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board (the Board) to perform a comprehensive review of U.S. Bureau of Labor Statistics categories within the standard occupational classification system and assess deficit areas that do not capture Virginia's existing STEM+C (Computing) workforce profile for the purpose of better aligning K-12 and higher education priorities. The Board shall report its findings to the Virginia Economic Development Partnership Authority Office of Education and Labor Market Alignment and the Chairmen of the House Committee on Communications, Technology and Innovation and the Senate Committee on General Laws and Technology no later than October 1, 2022.

LOCAL SCHOOL BOARDS AND DIVISIONS

HB18 (Fowler) Appointed school board members; salaries. Permits any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in relevant law or as provided by charter, with certain exceptions and conditions. Current law sets a specific maximum dollar amount for the salary of members of each such appointed school board.

HB466 (Subramanyam) Register of volunteer cybersecurity and information technology professionals. Directs the Secretary of Administration to establish a register of cybersecurity and information technology professionals interested in volunteering to assist localities and school divisions, in collaborating on workforce development, and in providing mentorship opportunities.

HB650 (Kory) School boards; school consolidation and redistricting and pupil assignment; access to advanced academic programs. Requires a school board to demonstrate in advance that the consolidation of schools, redistricting of school boundaries, or adoption of a pupil assignment plan will maintain or increase equitable student access to advanced academic programs.

HB688 (Kory) School boards; production of public records; fee schedules. Requires each school board to develop and post or otherwise make publicly available a fee schedule governing charges for the release of public records to be used by each school within its school division when responding to requests for public records pursuant to the Virginia Freedom of Information Act. The bill requires such fee schedule to be based on the most recent estimate of the aggregate costs incurred by each school within a school board's division in accessing, duplicating, supplying, or searching for requested public records. Finally, the bill provides that a school board shall review and update the fee schedule at least annually.

AMERICAN OVERSIGHT
VA-22-0316-A-000566

HB977 (McGuire III) Public elementary and secondary education; school boards and employees; promotion of diversity and respect. Requires each local school board and employee thereof to promote (i) diversity and respect, with the understanding that all individuals are created equal and diversity is a strength of the United States, and (ii) the concept that all cultures have contributed greatly to the rich history of the United States and the way of life that Americans enjoy today. The bill prohibits any local school board or employee thereof from training, teaching, or promoting to enrolled students or school board employees the concept that (a) any race is inherently superior or inferior to any other race; (b) any individual, by virtue of his race or skin color, is inherently racist, privileged, or oppressive, whether consciously or unconsciously; (c) any individual, by virtue of his race or religion, bears responsibility for the actions committed by other members of his race or religion; (d) any individual's moral character is determined by his race; (e) the United States is a fundamentally or systemically racist country; or (f) capitalism is an inherently racist economic system.

HB1138 (Reid) Loudoun County School Board; staggering of member terms; lot drawing; timeframe. Requires the lot drawing required to be conducted by the Loudoun County Electoral Board to determine the members of four of nine districts who will be elected to the Loudoun County School Board for four-year terms and the members of the remaining five districts who will be elected to the Loudoun County School Board for two-year terms to ensure the staggering of member terms for such school board to be conducted at the electoral board's first meeting of 2023 but no later than January 31, 2023.

HB1284 (Taylor) School boards; method of selection; election required. Requires election as the method of selecting the members of each school board in the Commonwealth. Current law requires such members to be appointed but permits their election under certain circumstances.

SB724 (Pillion) School boards; broadband; annual report. Requires each school board to submit an annual report to the Virginia Department of Education and the Virginia Department of Housing and Community Development that lists each student's 9-1-1 address that does not have broadband service, as defined by the Federal Communications Commission, to the home beginning in the fall of 2022 through the 2025 school year.

MISCELLANEOUS

HB246 (Kilgore) and SB596 (Pillion) School attendance; 4-H educational programs and activities. Provides that students who miss a partial or full day of school while participating in 4-H educational programs and activities shall not be counted as absent for the purposes of calculating average daily membership and shall receive course credit in the same manner as they would for a school field trip. The bill directs each local school board to develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs and activities to not be counted absent.

HB1022 (Guzman) Certain public elementary and secondary school students; excused absences; attendance at pow wow. Provides that, subject to guidelines established by the Department of Education, any student who is a member of a state-recognized or federally recognized tribal nation that is headquartered in the Commonwealth and who is absent from school to attend such tribal nation's pow wow gathering shall be granted an excused absence.

HB1164 (Runion) Composite index of local ability-to-pay; use value of real estate in certain localities. Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.

AMERICAN OVERSIGHT
VA-22-0316-A-000567

HB1352 (Bell) Private elementary and secondary schools; retaliation for good faith reports of child abuse or neglect prohibited. Prohibits any private elementary or secondary school from retaliating in any manner against any individual who in good faith reports child abuse or neglect as mandated by relevant law.

SB421 (Edwards) Libraries and education services; obsolete provisions. Revises and repeals obsolete provisions in Title 22.1 (Education) related to early childhood education and elementary and secondary education and Title 42.1 (Libraries) related to libraries and the Virginia Public Records Act. The bill also makes technical amendments. This bill is a recommendation of the Virginia Code Commission.

SB662 (Lucas) Department of Education; School Quality Profiles; teacher data. Requires the Department of Education to include on each School Quality Profile data on teachers' race and proficiency in any language other than English.

SCHOOL HEALTH AND NUTRITION

SCHOOL HEALTH

HB215 (Robinson) and SB62 (Favola) School Health Services Committee; report. Establishes the School Health Services Committee to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The bill requires the Committee to submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year. The bill has an expiration date of July 1, 2025.

HB915 (Orrock) Required immunizations; regulations. Provides that a parent, guardian, or person standing in loco parentis of each child in the Commonwealth shall cause such child to be vaccinated in accordance with the Regulations for the Immunization of School Children of the State Board of Health (the Board) and that regulations of the Board setting forth such requirements shall be subject to the Administrative Process Act. Currently, a parent, guardian, or person standing in loco parentis of a child shall cause such child to be vaccinated in accordance with the Immunizations Schedule developed and published by the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices, American Academy of Pediatrics, and American Academy of Family Physicians, and any regulations of the Board setting forth requirements related to vaccines are exempt from the Administrative Process Act.The bill also provides that no regulation of the Board of Health setting forth requirements related to vaccines shall become effective until after the next regular session of the General Assembly following the date on which the final adopted regulation is published in the Virginia Register of Regulations."

HB1036 (LaRock) Local school boards; requirement for students to wear masks or other face coverings; evidentiary substantiation. Prohibits any local school board from requiring any student enrolled at a public elementary or secondary school in the local school division to wear a mask, face covering, or other covering of the student's nose and mouth at school, on a school bus, or at a school-sponsored activity unless the local school board substantiates such requirement with evidence that (i) such requirement is necessary to suppress a nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health; (ii) no reasonable alternatives to such requirement exist in light of the impact on quality of life and economic well-being; and (iii) such requirement is narrowly tailored to address the nuisance dangerous to the public health or the communicable, contagious, or infectious disease or other danger to the public life and health.

SB431 (Dunnavant) Board of Education; COVID-19; test-to-stay guidelines. Requires the Board of Education, in collaboration with the Department of Health, to (i) recommend as best practice the shortest duration of quarantine possible, as recommended by the Centers for Disease Control and Prevention, for students and employees at public schools who contract COVID-19 and (ii) develop test-to-stay guidelines for such schools and recommend such guidelines to schools for use as an alternative

AMERICAN OVERSIGHT
VA-22-0316-A-000568

to quarantine for students and employees who contract COVID-19. The bill also provides that all guidelines established pursuant to the bill shall be immediately distributed to local school boards and shall reflect the most updated recommendations from the Centers for Disease Control and Prevention to limit the amount of time out of the classroom to be as short as possible, including no quarantine, as recommended for asymptomatic individuals who have been fully vaccinated either within six months or have a boosted vaccination status. The bill contains an emergency clause.

SB704 (Kiggans) Superintendent of Public Instruction; school health services information; survey. Requires the Superintendent of Public Instruction to, at least annually, survey all local school divisions and use such data to strengthen the comprehensive availability of school health services information. The bill provides that information to be collected in the survey shall include: (i) staffing levels of school health personnel, (ii) the prevalence of students with chronic health conditions, (iii) the percentage of students with health services written in their records, (iv) the number of visits to the school health office and dispositions, (v) health services provided by each school, and (vi) any other information deemed appropriate. The bill requires each local school division to complete each survey.

SCHOOL NUTRITION

HB583 (Roem) Public elementary and secondary school students; ability to pay for meals and school meal debt; extracurricular school activities. Requires each school board to adopt policies that prohibit the school board or any school board employee from denying a student the opportunity to participate in any extracurricular school activity because the student cannot pay for a meal at school or owes a school meal debt.

HB587 (Roem) School Breakfast Program and National School Lunch Program; processing of applications. Requires each public elementary or secondary school to process each web-based or paper-based application for participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within five working days after the date of receipt of the application.

SCHOOL SAFETY AND DISCIPLINE

HB4 (Wyatt) and SB36 (Norment) School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. The bill provides, as an exception to the requirement to report any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity, that a principal is not required but may report to the local law-enforcement agency any such incident committed by a student who has an individualized education plan. ***These are Governor's bills. HB59 (McGuire III), HB308 (Ransone), SB613 (Stanley), and SB287 (DeSteph) were incorporated in the HB4 (Wyatt) and SB36 (Norment), respectively.**

HB8 (Anderson) School security officers; scope of employment; certain veterans. Provides that each school security officer, in addition to performing each enumerated duty, is responsible for carrying out any other duty assigned to him by the local school board. The bill permits any local school board or private or religious school to employ as a school security officer any veteran who has served a minimum of 10 years as an active duty member in the Armed Forces of the United States, received an honorable discharge or general discharge under honorable conditions from such service, and meets the Department of Criminal Justice Services' minimum certification and training requirements for school security officers.

HB12 (Anderson) Public school buildings; entry points; limits; screening. Requires each local school board to (i) limit to the lowest feasible number the entry points in each public school building in the local school division, (ii) ensure that each individual who seeks to enter any school building in the local

AMERICAN OVERSIGHT
VA-22-0316-A-000569

school division is screened with a handheld metal detector wand by a school security officer or another appropriate school board employee who is appropriately trained in such method of screening, (iii) require each such school security officer or other appropriate school board employee to implement further screening according to a protocol that it deems appropriate in any case in which the school board employee who conducts the initial screening has reason to believe that the individual who seeks to enter the school building is in possession of a weapon, and (iv) prohibit any individual from entering any school building in the local school division if the individual fails or refuses to submit to the screening required in clauses (ii) and (iii).

HB37 (Anderson) School boards; school resource officers; employment; threat assessment. Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public middle and high school in the local school division and at least one school resource officer per five public elementary schools in the local school division, who is required to serve in each such elementary school on a rotating basis. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school.

HB89 (Walker) Disorderly conduct in public places. Removes the provision that any instance of disorderly conduct by an elementary or secondary school student which occurred on the property of any elementary or secondary school, on a school bus as defined in § 46.2-100, or at any activity conducted or sponsored by any elementary or secondary school be excluded from the disorderly conduct in public places.

HB741 (Bell) Annual public elementary and secondary school safety audits; creation or review of school building floor plans required. Requires each local school board, as part of each annual school safety audit, to create a detailed and accurate floor plan for each public school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate but provides that such floor plan may be withheld from public disclosure.

HB863 (Reid) Local law enforcement; certain reports to school principals and division superintendents; form and scope. Requires local law-enforcement authorities to report in writing, and the principal or his designee and the division superintendent to receive each such report, on (i) any suspected offense, offense for which any charge has been filed, or offense that is subject to investigation, that was committed by a student enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving certain enumerated incidents, and (ii) whether the student is released to the custody of his parent or, if 18 years of age or older, is released on bond. Current law does not require such reports to be in writing and only applies to student offenses but does not specify whether such reports are required to be made for student offenses that are suspected, charged, or subject to investigation.

HB873 (Greenhalgh) Public elementary and secondary schools; threat assessment team membership; law-enforcement liaison for certain school administrators. Requires, in the case of any public elementary or secondary school in which a school resource officer is employed, the threat assessment team for such school to include at least one such school resource officer. The bill requires the chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer to designate a law-enforcement officer to receive, either in-person or online, the school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with relevant law and requires such officer to serve as the law-enforcement liaison for the school administrator in such a school who has also received such training as prescribed by relevant law.***This is a Governor's bill. As introduced, SB415 (DeSteph) was the companion bill and failed to report from Senate Education and Health.**

AMERICAN OVERSIGHT
VA-22-0316-A-000570

HB985 (Anderson) School principals; incident reports; violent offenses. Requires that school principals report to law enforcement any felony offenses and violent offenses enumerated in the bill that may constitute a criminal offense. Under the bill, principals have discretion to report certain non-violent crimes to law enforcement. Under current law, principals are required to make such reports to law enforcement only for such acts that may constitute a felony offense.

HB1125 (Anderson) School boards; parental notification of certain threats, behavior, and unlawful acts; panic alarms. Requires, within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing, each division superintendent to notify the parent of each student enrolled in the relevant school of such threat, threatening or aberrant behavior, or unlawful act. The bill requires each school board to equip each public elementary and secondary school building in the local school division with at least one panic alarm that adheres to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories, and is installed by a licensed and qualified professional. The bill defines "panic alarm" as a silent security system by which the user manually activates a device that sends a non-audible signal to the local law-enforcement agency that indicates a school security emergency, including a non-fire evacuation, lockdown, or active shooter situation, that requires immediate response and assistance from such agency.

HB1129 (Taylor) and SB600 (Pillion) School safety audits; law-enforcement officers. Requires each local school board to require its schools to fully collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. Under current law, the division superintendent is required to make the results of such audits available to the chief law-enforcement officer upon request, and his approval is not needed. The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee. Current law requires that the completed walk-through checklist be made available to the chief law-enforcement officer or his designee upon request. ***These are Governor's bills and have been signed by the Governor.**

HB1315 (Anderson) School boards; parental notification of certain threats, behavior, and unlawful acts. Requires division superintendents to notify the parent of each student enrolled in the relevant school of a threat, threatening or aberrant behavior, or unlawful act within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing.

SPECIAL EDUCATION AND THE CHILDREN'S SERVICES ACT

HB547 (Hudson) Department of Education; statewide strategic plan; speech-language pathologists. Requires the Department to develop and maintain a statewide strategic plan for recruiting and retaining speech-language pathologists that, at a minimum, (i) analyze data to determine the specific staffing needs of local school divisions on an ongoing basis; (ii) evaluates the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for speech-language pathologists, and the expansion of speech-language pathologist mentorships; and (iii) estimates the costs of implementing each such strategy, including the extent to which federal funds could be used to support implementation. The bill requires the Department, no later than November 1 of each year, to update the Chairmen of the Senate Committee on Education

AMERICAN OVERSIGHT
VA-22-0316-A-000571

and Health and the House Committee on Education on its progress in implementing such plan. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also directs the Department of Education and the Board of Education, in consultation with each local school board, to (a) examine the caseloads and compensation of speech-language pathologists in each local school division, (b) compare such caseloads and compensation to those of speech-language pathologists in contiguous states, and (c) make recommendations to the Governor and the General Assembly no later than November 1, 2022, for such amendments to relevant law and the general appropriations act as may be necessary to effectuate a reduction in caseloads and increase in compensation that would facilitate stronger recruitment and retention of speech-language pathologists in public elementary and secondary schools in the Commonwealth.

HB649 (Carr) and SB265 (Hashmi) Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report. Requires the Department of Education, in coordination with the Department for the Deaf and Hard-of-Hearing, to (i) select, with input from an advisory committee that the bill establishes, language developmental milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

HB1047 (Tran) Students who need or use augmentative and alternative communication; instruction; eligibility; staff training. Provides that no student who needs or uses augmentative and alternative communication (AAC), which the bill defines as any device, tool, support, or service, or any combination thereof, that facilitates any form of communication, other than oral speech, that can be used to express thoughts, needs, wants, and ideas, shall be denied the opportunity for inclusion in regular classrooms or the provision of age-appropriate instruction on the basis that such student may require support with AAC. The bill prohibits any individualized education program team, member of such team, or school division employee from utilizing the results of any intelligence quotient test or any other test to measure intelligence or cognitive ability to determine a student with a disability's eligibility to be provided with and use AAC at school. The bill requires each school division to document on the individualized education program of a student with a disability who needs or uses AAC, beginning prior to the provision of instruction or support to the student, including any extended school year period, the student's AAC and communication access and support needs, including, as appropriate, individualized training as an assistive technology service for each school division employee or contractor who provides instruction or direct support to such student, to support the student's use of AAC and to ensure that curricula and instruction are designed or adapted as necessary to accommodate the student's unique communication access needs.

SB356 (Stuart) Children's Services Act; special education programs. Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.

AMERICAN OVERSIGHT
VA-22-0316-A-000572

STANDARDS OF QUALITY

HB829 (Wilt) School counselors; staffing ratios; flexibility. Permits school boards to fulfill the staffing ratio requirements for school counselors by (i) employing, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, entering into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training.

HB1124 (Guzman) and SB156 (Hashmi) Public schools; English language learners. Requires state funding to be provided to support, in the 2022-2023 school year and thereafter, a new divisionwide ratio of English learner students in average daily membership to full-time equivalent teaching positions of 22 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

SB490 (McClellan) Standards of Quality; principals; assistant principals. Requires each school board to provide at one principal per school and one assistant principal per 500 students in each elementary, middle, and high school. ***SB490, as introduced, included all of the Board of Education's 2021 prescriptions to the Standards of Quality. The companion to the introduced version of SB490, HB1135 (Bourne), was left in House Appropriations.**

STUDIES

HJ19 (Greenhalgh) Study; Department of Education; purpose and goals of public education; report. Requests that the Department of Education study the purpose and goals of public education by encouraging input from the citizens of the Commonwealth, including parents, teachers, school administrators, and local school board members, to clarify (i) the broader purpose of public education in light of the fundamental goal of public education, as expressed by the General Assembly and the Board of Education, and (i) the specific measurable outcomes that education laws, regulations, policies, and practices should help to achieve in order to further such broader purpose and such fundamental goal.

HJ84 (Guzman) Study; Department of Education; root causes of public school bus driver shortages and working conditions of public school bus drivers in the Commonwealth; report. Requests that the Department of Education, with the assistance of each local school board, to study the root causes of public school bus driver shortages and the working conditions of public school bus drivers in the Commonwealth by (i) administering to each public school bus driver in each local school division in the Commonwealth and as many former public school bus drivers as is feasible a survey to determine the level of satisfaction with and the need for improvement to the working conditions of public school bus drivers in the Commonwealth, (ii) analyzing such survey data and such other information and data as it deems necessary and advisable, including information from other states and school districts contained therein that have had success in addressing public school bus driver shortages by addressing working conditions, and (iii) making recommendations for statutory, regulatory, or budgetary changes that may contribute to the improvement of the working conditions of public school bus drivers.

AMERICAN OVERSIGHT
VA-22-0316-A-000573

SJ10 (Surovell) Study; joint subcommittee to study pandemic response and preparedness in the Commonwealth; report. Establishes a joint subcommittee to study pandemic response and preparedness in the Commonwealth. In conducting its study, the joint subcommittee is tasked with examining existing laws in the Commonwealth and developing recommendations regarding the pandemic response and future needs of the Governor, the General Assembly, local governments, public and private health care systems and other facilities and providers, health districts, the judicial system, K-12 and higher education systems, and the business regulatory system.

STUDENT SERVICES

HB988 (Wyatt) and SB20 (Hackworth) Treatment of transgender students; model policies. Eliminates the requirement that each school board adopt policies that are consistent with the model policies developed by the Department of Education concerning the treatment of transgender students in public elementary and secondary schools. The bill also removes the requirement for such model policies to include information, guidance, procedures, and standards relating to the use of school facilities, requires the Department to amend its model policies to remove any such information, guidance, procedures, or standards, and requires the Department to make such amended model policies available to each school board no later than the beginning of the 2022-2023 school year. *SB20 does not include the provision to amend the model guidance related to facilities.

HB1034 (Ransone) Department of Education; school boards; guidelines for the provision of counseling services in public schools. Requires the Department of Education to develop and each local school board to adhere to guidelines for the provision of counseling services in public schools, which shall include (i) provisions for parental consent; written parental notification; parental involvement, as appropriate; and confidentiality; (ii) procedures by which a parent may limit or prohibit his child's participation; (iii) appropriate exceptions to the procedures by which a parent may limit or prohibit his child's participation such as imminent need, health, or safety or maintaining order in the school; and (iv) any other provision deemed necessary by the Department.

HB1124 (Anderson) Board of Education; school boards; codes of student conduct; contents. Requires the Board of Education's guidelines and model policies for codes of student conduct to include a requirement that any code of student conduct is enforced and any student behavioral intervention or disciplinary method or measure is utilized in a fair, proportional, unbiased, and neutral manner, for the sole purpose of maintaining safe learning environments, and with full and sole consideration of the student's behavior and with no consideration of any individual immutable characteristic of the student such as the student's sex or race. The bill requires each school board to establish and continuously maintain a system of fair, proportional, unbiased, and neutral student behavioral intervention and discipline and prohibits any school board from establishing or maintaining any system of student behavioral intervention or discipline, including positive behavioral interventions and supports or any substantially similar disciplinary method, that targets or differentiates student behavioral interventions or disciplinary methods or measures based on any factor other than the student's behavior.

TEACHER EDUCATION AND LICENSURE

HB230 (Coyner) and SB154 (Locke) Applications for teacher licensure by reciprocity; military spouses; timeline for determination. Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application

AMERICAN OVERSIGHT
VA-22-0316-A-000574

packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet.

HB236 (Orrock) Board of Education; authority to temporarily extend certain teachers' licenses. Permits the Board of Education to grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its statutory authority whose license expires on June 30, 2022, in order to provide the individual with sufficient additional time to complete the requirements for licensure renewal. This bill has an emergency clause.

HB419 (Delaney) Institutions of higher education; education preparation programs; coursework; audit. Requires each education preparation program offered by a public institution of higher education or private institution of higher education that provides training for any student seeking initial licensure by the Department of Education to (i) include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction and require such program of coursework and the student mastery required to be demonstrated therein to be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent literacy experts and stakeholders with knowledge of science-based reading research and evidence-based literacy instruction that has reviewed the relevant regulations and (ii) for any such student seeking initial licensure by the Department of Education as a teacher with an endorsement in early childhood, elementary education, or special education or with an endorsement as a reading specialist ensure that reading course work and field practice opportunities are a significant focus of the education preparation program. The bill requires the Department of Education to audit at least once every seven years each education preparation program for compliance with such requirements.

HB979 (Tran) and SB68 (Favola) Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States. Requires the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who holds a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license.

TEACHER EMPLOYMENT AND COMPENSATION

HB9 (Ware) and SB178 (Peake) Public school teachers; probationary term of service, grounds for dismissal, and dismissal hearings. Permits each school board to extend for up to two additional years the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing.

HB271 (Byron) Local school boards and comprehensive community colleges; compensation structure for adjunct instructors; noncredit workforce credentials. Requires local school boards and comprehensive communities colleges to enter into local or regional agreements for the establishment and implementation of a competitive compensation structure to recruit and retain adjunct instructors to be jointly compensated by the relevant school boards and colleges to prepare both high school students and college students to earn noncredit workforce credentials, as that term is defined in relevant law.

HB363 (Frietas) Certain school board employees; dismissal; grounds; continuing contract study; report. Prohibits school board employees who are not required to hold a valid license issued by the Board of

AMERICAN OVERSIGHT
VA-22-0316-A-000575

Education and public school teachers from being dismissed based on a last-hired, first-fired dismissal policy or any other similar policy that mandates that, when considering more than one such employee for dismissal, the seniority of each such employee shall be the sole determinative factor in the dismissal decision. The bill also requires the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health, in consultation with local school boards, to study and make recommendations to the General Assembly no later than November 1, 2022, regarding effective, alternative ways in which the performance of teachers may be evaluated for the purpose of awarding or rescinding continuing contract status.

HB371 (Convirs-Fowler) Licensed school board employees; cultural competency training; bullying of Asian American and Pacific Islander students. Requires the Board of Education's guidance on cultural competency training for licensed school board employees to include a model curriculum for cultural competency training relating to the bullying of Asian American and Pacific Islander students and requires such model curriculum to be incorporated into the biennial cultural competency training required for licensed school board employees.

HB440 (VanValkenburg) School boards; teachers; planning time and planning periods. Requires each local school board to ensure that each elementary school teacher is provided an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day, which shall be at least 45 minutes or one class period, whichever is longer. The bill permits local school boards and teachers to enter into an appropriate contractual arrangement providing for compensation in lieu of such planning time or period. Under current law, public elementary school teachers are guaranteed at least an average of 30 minutes of planning time per school day during a school week.

HB535 (Clark) Teacher compensation; at or above national average. Requires that public school teachers be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a 4.5 percent annual increase for public school teacher salaries, effective from the 2023-24 school year through the 2027-28 school year. The bill has a delayed effective date of July 1, 2023.

HB581 (VanValkenburg) Local school boards; teacher career ladder compensation programs. Requires each local school board to establish a teacher career ladder compensation program (program) whereby each rung on the ladder corresponds to a specific teacher career and compensation level as determined by the local school board. The bill requires each local school board to design and implement its own program, provided, however, that each program shall include the following principles and components: (i) each teacher shall provide increasing levels of student academic progress as measured by objective criteria before the teacher progresses to the next rung of the ladder; (ii) each teacher shall demonstrate improvement in teaching skills before the teacher progresses to the next rung of the ladder; (iii) each teacher shall assume additional teaching and other responsibilities such as curriculum development, team teaching, mentoring, and professional development activities before the teacher progresses to the next rung of the ladder; (iv) the local school board is responsible for providing teachers in the program with appropriate professional growth and development opportunities; and (v) the local school board shall ensure that equal pay is provided to teachers in the program who are performing at the same level. The bill provides that teacher participation in a teacher career ladder compensation program is optional and any teacher may opt to be compensated pursuant to the local school board's standard salary scale.

HB1005 (Guzman) Public school teachers; continuing contract; resignation. Declares a public school teacher employed after completing the probationary period to be entitled to a continuing contract whereby the contract continues in effect for the ensuing year in conformity with local salary stipulations, including increments, provided, however, that such teacher may be dismissed for any cause set forth in relevant law and in accordance with the procedures set forth in relevant law. Current law declares any such teacher to be entitled to such a continuing contract during good

AMERICAN OVERSIGHT
VA-22-0316-A-000576

behavior and competent service. The bill requires a public school teacher who seeks to resign from a continuing contract (i) for the ensuing school year to give written notice of such resignation on or before June 15 of the current school year or (ii) in effect for the current school year or for the ensuing school year after June 15 of the current school year to request release from the contract at least two weeks in advance of intended date of resignation and requires such request to be in writing and to set forth the cause of resignation. Current law requires written notice of noncontinuation of a continuing contract by either party to be given by June 15 of each year and permits a teacher to resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent if the teacher requests release from the contract in writing at least two weeks in advance of the intended date of resignation and sets forth the cause of resignation. The bill also provides that if the school board has not authorized the division superintendent to approve resignations of teachers with continuing contracts, the school board shall decide whether to accept or reject the resignation of such a teacher.

HB1093 (Batten) Public elementary and secondary education; school boards and employees; cultural competency training; evaluations. Requires the evaluation of each public school teacher and principal and division superintendent to include an evaluation of cultural competency if the relevant local school board has adopted and implemented policies to require cultural competency training. Under current law, such an evaluation of cultural competency is required and not conditioned upon any such action of the local school board. The bill permits any school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board of Education to complete cultural competency training, in accordance with guidance issued by the Board of Education, at least every two years, but only after providing 30 days' advanced written notice of and holding a public hearing regarding the adoption and implementation of such policies. Current law requires such cultural competency training and makes no provision for such notice and public hearing.

HB1110 (Maldonado) Local school boards; grievance procedure for certain employees; timing of resolution of certain disputes. Requires each local school board's grievance procedure for school board employees, except the division superintendent, principals, assistant principals, teachers, supervisors, and other employees required to be licensed by the Board of Education, to afford a timely and fair method of the resolution of disputes arising between the school board and such employees before dismissal or other disciplinary actions, excluding suspensions. Current law requires such grievance procedures to afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding, but not before, dismissal or other disciplinary actions, excluding suspensions.

SB157 (Hashmi) Competitive compensation for certain positions in public elementary and secondary schools. Declares it the goal of the Commonwealth that its public school teachers and all other individuals employed in Standards of Quality-funded positions be compensated at a rate that is competitive, defined as at or above the national average salary for the position, in order to attract and keep highly qualified individuals in such positions. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a five percent annual pay increase for each such position, effective from the 2023-24 school year through the 2027-28 school year, provided that such five percent annual pay increase (i) is subject to a local matching requirement in accordance with each local school board's composite index of local ability-to-pay and (ii) shall be adjusted annually as necessary to account for rebenchmarking and to yield a rate of compensation percentage increase for all Standards of Quality-funded positions that is pegged to providing a competitive average teacher salary in the Commonwealth. The bill has a delayed effective date of July 1, 2023.

AMERICAN OVERSIGHT
VA-22-0316-A-000577

TAX CREDITS, VOUCHERS, AND SAVINGS PROGRAMS

HB201 (Webert) In-person instruction; education vouchers; emergency. Requires, in the event that any school board does not provide the option of in-person instruction as the sole method of instruction for any enrolled student, the parent of any such student who withdraws his child from attendance to receive, upon request, an education voucher in an amount equal to a prorated share of the applicable Standards of Quality per-pupil state funds appropriated for public school purposes and apportioned to the school division, including the per-pupil share of state sales tax funding in basic aid and any state per-pupil share of special education funding for which the child is eligible, to cover the expenses of providing in-person instruction in an alternative setting. The bill permits the Department of Education to establish rules, regulations, or procedures for the issuance of such education vouchers. The bill contains an emergency clause.

HB293 (Frietas) Education Savings Account Program; establishment. Establishes the Education Savings Account Program (the Program), to be administered by the Department of Education (the Department) with assistance from each local school board, whereby the parent of any elementary or secondary school student who (i) is a member of a household whose annual income does not exceed two times the annual household income that would qualify the student for free or reduced-price lunch and (ii) was eligible to attend a public school in the Commonwealth in the preceding semester or is starting elementary or secondary school in the Commonwealth for the first time is eligible to receive an education savings account, for as long as the student is of school age and the amount of which is determined pursuant to a calculation set forth in the bill, to cover certain enumerated educational expenses for his child. The bill requires the Department to establish rules and regulations for the Program and contains conditions, limitations, and other requirements for the Program, including provisions relating to the accountability and educational autonomy of individuals and entities receiving account funds to cover qualified expenses.

HB294 (Frietas) Education improvement scholarship tax credits; eligible students in need of a safer school environment. Declares eligible for a scholarship from a scholarship foundation that receives an education improvement scholarship tax credit, on the same basis as any other eligible student, eligible students in need of a safer school environment, defined in the bill as any student who, while enrolled in a public elementary or secondary school in kindergarten through grade 12, was the victim of assault, battery, bullying, harassment, hazing, kidnapping, or robbery on school property, on a school bus, or at a school-sponsored activity, as substantiated by an investigation and written report by the school principal. The bill provides that (i) eligible students in need of a safer school environment are permitted to use such scholarships to cover the expenses associated with attending another public school within or outside of his school division of residence and (ii) there are no family income restrictions on scholarships for eligible students in need of a safer school environment.

HB333 (Frietas) Public education; student education accounts. Permits any school board to establish a program to create savings accounts for students to be used for alternative educational programs. The bill requires the Department of Education to establish policies and procedures under which the parent of each student may use such funds on public or private educational programs.

HB784 (LaRock) Home instruction and private school tax credit. Creates an individual, nonrefundable income tax credit for taxable years 2022 through 2026, for amounts paid by the parent or legal guardian of a child for the child's home instruction expenses or tuition for attending an accredited private school in Virginia. The credit shall equal the lesser of the amount actually paid in the taxable year for such costs or half of the average state standards of quality funding per student per year. The credit may be taken for instruction-related materials, courses, or programs used in home instruction or for private school tuition. The credit is available for two years per child and can be carried forward for five taxable years.

AMERICAN OVERSIGHT
VA-22-0316-A-000578

HB788 (LaRock) Education Improvement Scholarships Tax Credits program. Increases from 65 percent to 75 percent the tax credit for the value of the monetary or marketable securities donation made by a taxpayer to an eligible scholarship foundation.

HB982 (Scott) Education Savings Account Program established; Education Improvement Scholarships Tax Credits. Establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2022–2023 school year. The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is $25 million, and removes individual minimum and maximum required donation amounts. The bill raises the threshold for students to qualify for scholarships to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, 1,200 percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a Virginia resident and eligible to enroll in a Virginia primary or secondary school. Current law restricts eligibility to certain categories of students. The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2022.

HB1024 (LaRock) Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

HB1025 (LaRock) Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

SB16 (Hackworth) Income tax; Education Improvement Scholarships Tax Credits. Increases the aggregate annual cap on the Education Improvement Scholarships Tax Credits from $25 million to $50 million, increases the value of the credit from 65 percent to 80 percent, and removes the credit's current sunset of January 1, 2028. ***Incorporated into SB27 (Ruff).**

AMERICAN OVERSIGHT
VA-22-0316-A-000579

SB27 (Ruff) Income tax credits; Neighborhood Assistance Program and Education Improvement Scholarships. Makes several amendments to expand the availability of the Neighborhood Assistance Program (NAP) and Education Improvement Scholarships Tax Credits (EISTC). The bill increases the limit on NAP credits approved by the Department of Education (DOE) from $9 million to $25 million. When added to the current limit of $8 million of NAP credits approved by the Department of Social Services (DSS), the overall limit on NAP credits would be $33 million. The bill makes decisions of DOE and DSS regarding the qualification of a scholarship foundation or the awarding of tax credits subject to judicial appeal; currently, such decisions are final. The bill provides that the annual allocation of tax credits among neighborhood organizations shall not rely solely on the amount of credits awarded in the previous year. For the EISTC, the bill allows certified public accountants to receive tax credits for donations of accounting services to scholarship organizations. The bill also authorizes scholarship foundations, which are the sole recipient of funding from the issuance of EISTC, to receive funding for scholastic assistance, defined in the bill as counseling or supportive services. Under current law, scholarship foundations may receive EISTC funding only for the purpose of providing scholarships.

SB709 (DeSteph) Education improvement scholarships tax credits; sunset. Removes the sunset of taxable years beginning on or after January 1, 2028, for the tax credit for donations to certain scholarship foundations and removes the sunset for changes to the definition of an eligible student with a disability and certain income guidelines that were set to expire beginning with taxable years beginning on or after January 1, 2024. ***Incorporated into SB27 (Ruff).**

AMERICAN OVERSIGHT
VA-22-0316-A-000580

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 1/31/2022 9:48:57 AM
To: "Coy, Holly" <holly.coy@doe.virginia.gov>, "Emily Webb" <emily.webb@doe.virginia.gov>
Cc:
Subject: BOE Legislative Report

Attachments: legislative-report-boe-013022.docx

Finally have a draft BOE report to share! Take a look and let me know if you see anything missing or if there is any more context I can provide.

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT ♥F EDUCATION

VIRGINIA DEPARTMENT ♥F EDUCATION

VIRGINIA IS FOR LEARNERS

REPORT ON 2022 GENERAL ASSEMBLY ACTIVITY

This report provides and overview of legislation introduced during the 2022 Regular Session of the General Assembly related to preK-12 education as well as early childhood care and licensure.

Updated as of January 14, 2022.

AMERICAN OVERSIGHT

VA-22-0316-A-000582

TABLE OF CONTENTS

Appropriation Act **2**
- Compensation 2
- Direct Aid 2
- Early Childhood Care and Education 2
- Instruction 2
- Laboratory Schools 2
- School Construction 2
- School Resource Officer Grants 2
- Staffing and Student Support 3

Assessments **3**

Athletics, Interscholastic Programs, and Youth Sports **4**

Board of Education **5**

Charter and College Partnership Laboratory Schools **6**

Early Childhood Care and Education **7**

Facilities and Transportation **8**
- Facilities 8
- Transportation 10

Learning and Instructional Material **11**
- Career and Technical Education 11
- Family Life Education 11
- General Curriculum and Instructional Material 12
- Governor's Schools 15
- Literacy 15
- Other 15
- STEM+C 17

Local School Boards and Divisions **19**

Miscellaneous **20**

School Health and Nutrition **20**
- School Health 20
- School Nutrition 21

School Safety and Discipline **22**

Special Education and the Children's Services Act **24**

Standards of Quality **26**

Studies **26**

Student Services **27**

Teacher Education and Licensure **27**

Teacher Employment and Compensation **28**

Tax Credits, Vouchers, and Savings Programs **31**

AMERICAN OVERSIGHT

APPROPRIATION ACT

COMPENSATION

The introduced budget includes a 5% salary increase in each year of the biennium for funded Standards of Quality (SOQ) instructional and support positions. School divisions must provide a minimum 2.5% salary increase in FY23 and FY24 in order to access additional state funds through this program in FY24.

DIRECT AID

The introduced budget includes the state's share of routine rebenchmarking of costs for all SOQ and other Direct Aid programs. These technical adjustments include updates for factors such as funded salaries, Annual School Report data used to calculate prevailing support costs and positions, inflation factors, Standards of Learning (SOL) test score updates, enrollment updates, and projected caseloads for Lottery, incentive and categorical programs.

The introduced budget includes two hold harmless provisions: (1) A rebenchmarking hold harmless of $177.1M in FY23 and $177.4M in FY24 to address any rebenchmarking data elements impacted by the pandemic; and (2) $45.5M in FY23 and $112.5M in FY24 as a hold harmless related to reduced sales tax revenues due to the elimination of the state grocery tax (to be eliminated January 1, 2023).

EARLY CHILDHOOD CARE AND EDUCATION

The introduced budget takes several actions related to the ongoing expansion and improvement of our early childhood care and education programs, among them being: (1) Transitioning the at-risk three-year-old pilot to a standing program with an additional $6.0M in FY23 and $13.4M in FY24; (2) Funding in both years for teacher incentives and grow-your-own teacher grants to foster and keep well-prepared early childhood educators; and (3) Expanding the Mixed-Delivery program via the Virginia Early Childhood Foundation to support public-private delivery of pre-kindergarten services for at-risk three- and four-year-old children, as well as pilot a program to serve 200 infants and toddlers; and (4) Additional funding for the Mixed-Delivery Add-On Grant to better align state support amounts with the cost of service.

INSTRUCTION

Governor Youngkin has proposed language in the Caboose budget (HB29/SB29) requiring the Code of Virginia be amended to prohibit the promotion of inherently divisive concepts in public education.

LABORATORY SCHOOLS

Governor Youngkin has proposed a budget amendment of $100M in FY23 and $50M in FY24 for the creation of new Laboratory Innovation Charter Schools.

SCHOOL CONSTRUCTION

The introduced budget includes $500M in FY23 for school construction grants for non-recurring capital expenses. All school divisions receive a base $1.0 million allocation in the funding formula, with remaining funds distributed to school divisions on the basis of weighted ADM (a combination of projected ADM and the local composite index) based on actual March 31, 2022. There are also various language amendments related to the use of Literary Fund loans for school construction, including the elimination of the priority waiting lists, maximum loan amounts, add-on loan options, Board-awarded subsidy grants and loans, as well as a new reporting requirement.

AMERICAN OVERSIGHT
VA-22-0316-A-000584

SCHOOL RESOURCE OFFICER GRANTS

Governor Youngkin has proposed a budget amendment of $25.8M in both years to support the School Resource Officer Incentive Grants Fund and Program.

STAFFING AND STUDENT SUPPORT

The introduced budget proposes an additional $194.2M in FY23 and $74.2M in FY24 to increase the Basic Aid per pupil add-on range from its current maximum of 26% in FY 2022 to 49.5% in FY23 and to 36% in FY24 (to align with local maintenance of effort).

Additionally, the introduced budget includes an increase in staffing support for English Learner teachers beyond what is required in the SOQ. The staffing ratio would be funded at 22 per 1,000 students at a state cost of $9.7M in FY23 and by $10.5M in FY24.

ASSESSMENTS

HB197 (Webert) Public elementary and middle schools; student growth assessments; alternatives. Permits any school board to utilize the NWEA MAP Growth assessment program as an alternative to the through-year growth assessment system established by the Board of Education for the administration of reading and mathematics assessments in grades three through eight, provided that such program is aligned to the Standards of Learning.

HB433 (Bulova) Certain Standards of Learning assessments; method of administration. Requires (i) the reading and mathematics Standards of Learning assessments in grades three through eight and the science assessments administered to students in grade five and after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight to be traditional achievement tests and (ii) the Virginia Studies and Civics and Economics assessments to be performance based and to measure the test taker's ability to apply the skills and knowledge learned in the class. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also requires the Department of Education, with such funds as may be appropriated for such purpose pursuant to the general appropriation act, to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and align with the Department's Virginia Quality Criteria Review Tool for Performance Assessments.

HB585 (VanValkenburg) Middle and high school end-of-course assessments; number and type. Requires, except for those middle and high school students with significant cognitive disabilities who participate in an alternate assessment, each student in middle and high school to take only those end-of-course Standards of Learning assessments necessary to meet federal accountability requirements and Virginia high school graduation requirements. The bill requires the Department of Education, in addition to such assessments, to develop or adopt and require each high school student to take, during junior year or at such other time as may be appropriate, statewide skills-based and performance-based end-of-course assessments in biology and U.S. history that are aligned to the Standards of Learning for each such subject. The bill requires each such assessment to be graded by the Department of Education according to statewide grading rubrics. The bill requires student performance on each such assessment to account for 10 percent of the student's final grade in each such course. The foregoing provisions of the bill have a delayed effective date of July 1, 2027, and the bill provides that the first such assessments shall be administered during the spring of the 2027–2028 school year. The bill further requires the Department of Education to (i) semiannually publish on a publicly accessible portion of its website sample statewide skills-based and performance-based end-of-course assessments in biology and U.S. history during the 2022–2023 through 2026–2027 school years and (ii) annually administer a pilot program during the 2023–2024 through 2026–2027 school years whereby it administers skills-based and performance-based end-of-course assessments in biology and U.S. history to high school juniors in select school divisions to determine the validity of such assessments and make such adjustments as

AMERICAN OVERSIGHT
VA-22-0316-A-000585

may be necessary before the first such assessments are administered statewide during the spring of the 2027–2028 school year.

SB430 (Dunnavant) Department of Education; assessing individual student growth. Requires the Department of Education to create or request proposals for a system for value-added modeling to assess growth of students in public schools. The bill requires each school board in the Commonwealth to, upon the creation of such system, implement the system and make reports made by the system available to parents or guardians for their child's report and the Department.

SB760 (Suetterlein) Department of Education; task bank for performance-based assessments. Requires the Department of Education to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and aligns with (i) the Department's Virginia Quality Criteria Review Tool for Performance Assessments, (ii) the content in the standards of quality, and (iii) the skills in the Profile of a Graduate. The bill provides that school divisions may select tasks from the task bank.

ATHLETICS, INTERSCHOLASTIC PROGRAMS, AND YOUTH SPORTS

HB522 (March) Students who receive home instruction; participation in interscholastic programs. Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is a person of school age for whom public school is free; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2027.

HB844 (Lopez) and SB285 (Ebbin) High school interscholastic athletic competition; prevention of hate speech and ethnically or racially insensitive expressions. Requires the organization governing high school athletics and academic activities for public and approved nonboarding nonpublic high schools (the organization), with such funds as may be appropriated by the General Assembly for such purpose pursuant to the general appropriation act, to develop (i) rules and standards for the prevention of inequities involving the use of hate speech or ethnically or racially insensitive expressions during athletic and academic competitions sponsored by the organization's member schools, (ii) procedures for the enforcement of and penalties for the violation of such rules and standards, and (iii) training materials on such rules and standards. The bill requires each member school of the organization to abide by and implement such rules, standards, procedures, and penalties and ensure that each student who will participate in high school interscholastic athletic or academic competition, the parent of each such student, and each individual, whether paid or unpaid, who coaches a team that will participate in high school interscholastic athletic or academic competition receives and reviews such training materials. The bill requires the organization to make part of the process to become a registered official in good standing for any association offering services to the organization an education and training requirement that is consistent with the training materials developed by the organization. The bill has a delayed effective date of January 1, 2023.

AMERICAN OVERSIGHT
VA-22-0316-A-000586

HB1043 (Tran) and SB483 (McClellan) Child abuse and neglect; background check and training requirements for youth sports coaches and staff. Requires youth sports leagues to (i) require all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children to complete a fingerprint-based background check; (ii) provide to all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children and the parent of any child participating in the sports league written notice of the duty of all coaches, directors, and persons 18 years of age or older employed by or volunteering with the sports league to report suspected child abuse or neglect, information regarding how to report suspected child abuse or neglect, an explanation of the penalties that may be imposed for failure to file a required report, contact information for the local department of social services, and the telephone number for the Department of Social Services' toll-free child abuse and neglect hotline; and (iii) require all paid coaches, staff members, and employees who will be alone with, in control of, or supervising children to complete no less than four hours of training annually regarding child abuse prevention and response and require all volunteers who will be alone with, in control of, or supervising children to complete no less than two hours of training annually regarding child abuse prevention and response. The bill directs the Board of Education to promulgate regulations to implement the provisions of the bill and to develop and provide to sports leagues resources regarding child abuse prevention and response training opportunities. *SB483 also includes provisions to amend the limitations period on sexual abuse of a minor claims.

HB1298 (Price) Certain student-athletes; compensation for name, image, or likeness. The bill prohibits any (i) high school student-athlete who participates in interscholastic athletic competition from entering into any contract to receive compensation in exchange for the use of such student's name, image, or likeness and (ii) student-athlete enrolled at an institution of higher education in the Commonwealth who participates in intercollegiate athletic competition from entering into any contract to receive compensation in exchange for the use of such student's name, image, or likeness, the duration of which extends beyond the student's enrollment at such institution.

SB161 (Hashmi) Department of Education; heat-related illness; guidelines. Directs the Department of Education, in conjunction with stakeholders, to develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk of heat-related illness, how to recognize the signs of heat-related illness, and how to prevent heat-related illness to be distributed to local school divisions by August 1, 2022.

SB766 (Kiggans) Schools; athletics; participation in female sports; civil cause of action. Requires each elementary or secondary school or a private school that competes in sponsored athletic events against such public schools to designate athletic teams, whether a school athletic team or an intramural team sponsored by such school, based on biological sex as follows: (i) "males," "men," or "boys"; (ii) "females," "women," or "girls"; or (iii) "coed" or "mixed." Under the bill, male students are not permitted to participate on any school athletic team or squad designated for "females," "women," or "girls"; however, this provision does not apply to physical education classes at schools. The bill provides civil penalties for students and schools that suffer harm as a result of a violation of the bill. Such civil actions are required to be initiated within two years after the harm occurred.

BOARD OF EDUCATION

HB879 (Rasoul) Board of Education; membership; qualifications. Requires the nine-member Board of Education, all of whom are appointed by the Governor, to include at least one member with experience or expertise in local government leadership or policymaking, at least one member with experience or expertise in career and technical education, and at least one member with experience or expertise in early childhood education.

HB938 (Robinson) and SB558 (Suetterlein) Board of Education; evaluation of and recommendations for certain current and proposed policies and performance standards for public elementary and secondary schools. Requires the Board of Education to collaborate with the Superintendent of Public Instruction

AMERICAN OVERSIGHT
VA-22-0316-A-000587

and the Secretary of Education to evaluate, to implement where possible, and to otherwise make recommendations to the General Assembly regarding the following goals: (i) promoting excellence in instruction and student achievement in mathematics, including elimination of the Virginia Mathematics Pathways Initiative and an evaluation of any other proposed changes to the Mathematics Standards of Learning, in advance of the next revision of such standards by the Board, to maintain and increase the rigor of mathematics instruction in public elementary and secondary schools and permit students demonstrating aptitude and high achievement in mathematics to accelerate their progress through core mathematics classes and concepts and take advanced mathematics courses before the eleventh grade; (ii) increasing the number of academic year Governor's Schools in the Commonwealth and maintaining standards of excellence for students in all such schools; (iii) preserving the Advanced Studies Diploma as an option for students in public high schools in the Commonwealth while maintaining or increasing course and credit requirements for such diploma; (iv) increasing the transparency and honesty of performance measures for public elementary and secondary schools in the Commonwealth and ensuring that such measures do not obscure or conceal disparities in performance among student groups; (v) ensuring that performance measures for public elementary and secondary schools prioritize the attainment of grade-level proficiency in reading and mathematics for all students, especially in grades kindergarten through five; (vi) ensuring that the Commonwealth's proficiency standards on Standards of Learning assessments in reading and mathematics are rigorous in comparison with assessments administered by other states and national assessments in reading and mathematics; and (vii) restoring a strong accreditation system that promotes meaningful accountability year-over-year. The bill requires the Secretary of Education and the Superintendent of Public Instruction, no later than November 30, 2022, to report to the chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such evaluation and recommendations to achieve such goals. ***These are Governor's bills.**

HB1188 (Davis) Board of Education; appointment of nonvoting student advisor. Requires the Governor to appoint to the Board of Education a high school student who will enter his senior year during the following school year as a nonvoting student advisor to serve for a term of one year. The bill provides that no such student is eligible to be reappointed.

CHARTER AND COLLEGE PARTNERSHIP LABORATORY SCHOOLS

HB344 (Davis), SB608 (Suetterlein), and SB635 (Chase) Public charter schools; applications; review and approval. Permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions. ***These are Governor's bills.**

HB346 (Davis) and SB598 (Pillion) College partnership laboratory schools; application and establishment. Permits any public institution of higher education, private institution of higher education, or private business to apply to the Board of Education (the Board) to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school and no explicit provision is made for the conversion of an existing school. The bill requires the Board, in reviewing such applications, to give substantial preference to any application from a historically black college or university and any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools

AMERICAN OVERSIGHT
VA-22-0316-A-000588

in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board. ***These are Governor's bills.**

HB356 (Tata) and SB125 (Obenshain) Public schools; regional charter school divisions. Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school. ***These are Governor's bills.**

EARLY CHILDHOOD CARE AND EDUCATION

HB41 (Scott) Early childhood care and education; publicly funded providers; assessment of children. Provides that, except as otherwise required by federal law, no child who is enrolled at a publicly funded provider shall be required to participate in the Virginia Kindergarten Readiness Program or any other program for the assessment of the child's cognitive ability, development, learning, or readiness for kindergarten.

HB389 (Bulova) Early childhood care and education; regional entities; Child Care Subsidy Program Overpayment Fund established. Requires the Board of Education to establish a system of regional entities that will be responsible for coordinating early childhood care and education services, guiding quality improvement of such services and coordinated access to such services for families, and implementing the uniform measurement and improvement system. The bill establishes the Child Care Subsidy Program Overpayment Fund, consisting of all overpayment moneys collected or recovered by the Department of Education or any state or local agency contracted to administer the Child Care Subsidy Program, net of any refunds due to the federal government, to be used solely for the purpose of covering the cost of providing training and supports to early childhood care and education entities. ***This is an agency bill.**

HB994 (Brewer) and SB529 (Reeves) Board of Education; Child Care Subsidy Program; Armed Forces. Directs the Board of Education (the Board) to amend its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill. ***These are Governor's bills.**

HB1328 (Delaney) and SB737 (Boysko) Early childhood care and education entities; administration of epinephrine. Requires the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity, to be administered by any nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any child believed to be having an anaphylactic reaction. The bill mandates that such policies shall require that at least one school nurse, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular facility hours any such epinephrine that is stored in a locked or otherwise generally inaccessible container or area. This bill shall be known as Elijah's Law.

SB193 (Mason) Child day programs; licensure; accredited private schools. Adds to the list of child day programs not required to be licensed by the Superintendent of Public Instruction to operate in the Commonwealth programs offered by accredited private schools that are in good standing with the Virginia Council for Private Education and operate for no more than four hours per day. The bill

AMERICAN OVERSIGHT
VA-22-0316-A-000589

provides that, to be exempt from licensure, such accredited private school programs must be staffed by the accredited private school's employees and attended by children who are at least five years of age and are enrolled in the school. The bill requires such programs to be subject to safety and supervisory standards established by the Virginia Council for Private Education.

SB574 (Mason) Child care; background checks. Allows applicants for employment and applicants to serve as volunteers to work in certain child day centers, family day homes, and family day systems pending the results of a full background check, provided that (i) the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation and (ii) the applicant is supervised at all times by a person who received a qualifying result on a full background check within the past five years.

FACILITIES AND TRANSPORTATION

FACILITIES

HB68 (Edmunds) Additional local sales and use tax to support schools. Adds Prince Edward County to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.

HB251 (Simonds) and SB481 (McClellan) School boards and local governing bodies; unexpended local funds; school maintenance, renovation, and construction. Encourages each school board to enter into a collaborative agreement with the local governing body to set aside in a separate fund any sums appropriated to the school board by the local governing body that are unexpended by the school board in any year in order to use such sums to finance school maintenance, renovation, or construction in the local school division. The bill declares any school board that fails to enter into such a collaborative agreement ineligible to participate in any state grant, loan, or bond program that supports school maintenance, renovation, or construction. This bill is a recommendation of the Commission on School Construction and Modernization.

HB252 (Simonds) and SB238 (McPike) Department of Education; school division maintenance reserve tool. Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill requires the Department of Education to consider converting or using as a template the Department of General Services' M-R FIX tool to meet the above requirement to maintain such a tool. This bill is a recommendation of the Commission on School Construction and Modernization.

HB253 (Simonds) Literary Fund; loans; application process; maximum loan amounts; rates of interest; closing costs; waiting lists. Makes several changes to the provisions relating to loans from the Literary Fund to finance the construction and renovation of public elementary and secondary school buildings in the Commonwealth. The bill requires the Board of Education (the Board) to establish an annual open application process for Literary Fund loans to occur during the period that the Board deems most suitable. The bill increases from $7.5 million to $25 million the maximum Literary Fund loan amount and permits the Board to increase such maximum to up to $35 million for loans for any school construction or renovation project that facilitates the consolidation of schools. The bill requires the Board to fix the interest rate on all loans made from the Literary Fund at not less than one percent per year, not more than three percent per year, and at increments of one half of one percent per year between such minimum and maximum rates, payable annually, and to utilize a sliding scale based on the local school division's composite index of local ability to pay to determine the interest rate on each such loan. Under current law, such rates are required to be set between two and six percent per year.

AMERICAN OVERSIGHT
VA-22-0316-A-000590

The bill requires the Board to establish a competitive program for the award of up to $25,000 to a school division that receives a Literary Fund loan for the purpose of subsidizing all or a portion of the closing costs for such loan. The bill also permits the Board to remove any project that has been inactive for at least five years from any Literary Fund loan project waiting list that it maintains. This bill is a recommendation of the Commission on School Construction and Modernization.

HB254 (Simonds) and SB473 (McClellan) Department of Education; School Construction Fund and Program; Gaming Proceeds Fund revenues. Establishes the School Construction Fund as a special nonreverting fund in the state treasury and requires the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities. The bill provides that three percent of any fiscal year's budget surplus shall be appropriated to the School Construction Fund and Program. The bill also provides that any remaining revenues not appropriated by the Gaming Proceeds Fund shall be appropriated to the School Construction Fund and Program. Under current law, any remaining revenues in the Gaming Proceeds Fund not appropriated remain in the Fund until appropriated by the General Assembly for programs established to address public school construction, renovations, or upgrades.

HB391 (Frietas) Certain school board property; establishment of gun-free zone permitted. Removes the authority of any school board to deem any non-school zone building or property that it owns or leases where employees of such school board are regularly present for the purpose of performing their official duties as a gun-free zone. Under current law, any school board may prohibit any individual, subject to exceptions, from knowingly possessing, purchasing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property.

HB531 (Hudson), HB1099 (LaRock), and SB472 (McClellan) Additional local sales and use tax to support schools. Authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools. Under the bill, the tax can only be imposed if it is initiated by a resolution of the local governing body and approved by the voters in a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed, and revenue from the tax is required to be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax. Under current law, only Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, and the City of Danville are authorized to impose such a tax.

HB545 (Hudson) and SB298 (Deeds) Additional local sales and use tax to support schools. Adds the City of Charlottesville to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.

HB559 (O'Quinn) Local school boards; composite index of local ability-to-pay; required local effort; adjustment in certain circumstances. Provides that in any case in which a local school board enters into a comprehensive agreement with a private entity pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 whereby the private entity finances the construction of a new public school building in the local school division through the issuance of bonds; leases the building to the local school board in an arrangement such as a certificate of participation, a double net lease, or a triple net lease; and expects the local school board to make lease payments in an annual amount that approximates or is equal to the annual debt service on such bonds, the Department of Education shall not consider 50 percent of such lease payments as capital outlay and debt service and therefore shall not subtract such payments in the biennial calculation of net local expenditures for operations or

AMERICAN OVERSIGHT
VA-22-0316-A-000591

required local effort for the purpose of determining such local school division's composite index of local ability-to-pay, if so requested by the local school board.

HB563 (O'Quinn) School Construction Matching Grant Fund and Program; established; funding sources. Establishes the School Construction Matching Grant Fund and Program for the purpose of awarding matching grants on a competitive basis to local school boards that demonstrate poor school building conditions, commitment, and need, based on certain enumerated factors, in order for such local school boards to fund the construction of new public school buildings in the local school division. The bill permits the Board of Education to transfer sums from the Literary Fund to the School Construction Matching Grant Fund and for the Department of Education to use such sums to provide matching grants pursuant to the Program.

HB608 (Bourne) and SB276 (Stanley) School boards; unexpended local funds; capital projects. Permits any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year. The bill is a recommendation of the Commission on School Construction and Modernization.

HB1100 (LaRock) and SB603 (Stanley) Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. Requires the Board of Education (the Board) to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022. This bill is a recommendation of the Commission on School Construction and Modernization.

SB37 (Norment) Sales tax; additional local tax for schools. Adds Isle of Wight County to the list of localities that, under current law, are authorized to impose an extra one percent local sales tax. Revenue from the tax may be used only for constructing or renovating schools.

SB117 (Newman) K-12 funding. Provides that for any year in which there is a surplus, the Governor shall include in his proposed budget an appropriation of five percent of such surplus for the operational costs of local school divisions. The bill provides for an equivalent decrease in the amount of operational costs funded by the Lottery Proceeds Fund and an equivalent increase in the amount of funds in the Fund restricted exclusively for local school divisions' capital construction and renovation costs. If the restricted amount is equal to or greater than the amount in the Fund, the increases and decreases are no longer required under the bill.

TRANSPORTATION

HB113 (March) Public school buses; decals; "In God We Trust" and "One Nation Under God." Permits local school boards, notwithstanding any regulation to the contrary, to display on the sides and rear of public school buses decals containing the motto "In God We Trust" or the phrase "One Nation Under God", provided that no such decal obstructs the name of the school division or the number of the school bus.

HB313 (Krizek) Public school buses; seat belts. Requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2040, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

AMERICAN OVERSIGHT
VA-22-0316-A-000592

HB452 (Bennett-Parker) Public school buses; display of advertising; hiring of school bus drivers in the local school division. Permits any local school board, notwithstanding any regulation to the contrary, to display decals, posters, and stickers on the sides and rear of school buses advertising the hiring of school bus drivers in the local school division, provided that the local school board is responsible for the cost of such decals, posters, and stickers and that no such decal, poster, or sticker obstructs the name of the school division or the number of the school bus.

LEARNING AND INSTRUCTIONAL MATERIAL

CAREER AND TECHNICAL EDUCATION

HB1064 (Brewer) and SB628 (Stanley) Public School Trades Incentive Fund and Program; established. Establishes the Public School Trades Incentive Fund (the Fund) and the Public School Trades Incentive Program (the Program) for the purpose of providing grants on a competitive basis from the Fund to any school board that seeks to (i) restore high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials or (ii) create or restore middle school programs that encourage and recruit students to participate in high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials. The bill requires the Department of Education to administer the Program and to establish such rules and procedures relating to applications and awards as it deems appropriate, provided that the Department considers and gives appropriate weight to certain criteria for grantees. The bill permits any grantee to use Program funds for equipment, curriculum development, or instructor training. The bill requires each grantee to longitudinally track students who complete any program for which the school board received funds in order to determine the effectiveness of the (a) new or restored middle school programs in recruiting students to participate in restored high school programs and (b) restored high school programs in matching students with high-paying jobs in the fields in which they are certified or credentialed.

HB718 (Filler-Corn) and SB661 (Lucas) Virginia Board of Workforce Development; powers and duties; collaboration to develop apprenticeship program. Directs the Virginia Board of Workforce Development to assist the Governor in collaborating with the Department of Education and the Secretaries of Labor, Education, and Commerce and Trade to develop and administer an office that shall serve as the primary office for apprenticeship programs. The Department of Education and the Secretaries of Labor, Education, and Commerce and Trade shall rely on data from the Office of Education and Labor Market Alignment in developing apprenticeship programs that are based on high-demand industry needs.

FAMILY LIFE EDUCATION

HB785 (LaRock) Family life education curriculum guidelines; human reproduction; viewing of ultrasound video recording. Requires the instruction on human reproduction contained in the Board of Education's family life education curriculum guidelines to include the viewing of a video recording of an ultrasound of a live unborn human in the uterus.

HB789 (LaRock) Family life education programs; student participation; summaries. Prohibits any public elementary or secondary school student from participating in any family life education program without the prior written consent of his parent. The bill requires the summary that is required to be posted and distributed to parents for each such program to include contact information for the individual or office responsible for maintaining printed and audio-visual program materials.

AMERICAN OVERSIGHT
VA-22-0316-A-000593

HB1023 (Guzman) Certain family life education curricula; optional instruction on human trafficking. Permits any family life education curriculum offered by a local school division before high school to incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of human trafficking of children.

HB1347 (LaRock) Family life education instruction; school year time limit. Requires each school board that offers a family life education curriculum to limit instruction delivered to students pursuant to such curriculum to one hour per school year in each grade level.

GENERAL CURRICULUM AND INSTRUCTIONAL MATERIAL

HB533 (Batten) Public elementary and secondary schools; agreements to establish opportunity classrooms. Requires each school board to enter into an agreement, upon request, with a public elementary or secondary school teacher or a group of such teachers in a local school division who represents more than 20 students to establish an opportunity classroom, which the bill defines as a classroom in which a curriculum in English, mathematics, science, history and social science, and any other subject area, as set forth in such agreement, is offered that is different than any curriculum that is otherwise offered in such subject areas in the local school division. The bill permits each school board to enter into such agreement for an opportunity classroom if the requesting teacher or group of teachers represents fewer than 20 students. The bill contains requirements for such agreements to establish opportunity classrooms and provisions relating to funding for opportunity classrooms and for services, transportation, and assessments for students who are enrolled in an opportunity classroom.

HB781 (Williams) Public elementary and secondary schools; student citizenship skills; certain instructional policies prohibited; parental rights; disclosures; penalties; other remedies. Requires the Board of Education to incorporate into each relevant Standard of Learning and associated curriculum framework a requirement that each student demonstrate the understanding of, among other concepts, the fundamental moral, political, and intellectual foundations of the American experiment in self-government, as well as the history, qualities, traditions, and features of civic engagement in the United States. The bill prohibits any public school teacher or other instructional staff member from being required to discuss any current event or widely debated and currently controversial issue of public policy or social affairs and provides that any such employee who chooses to discuss any such event or issue in the scope of his instructional duties shall, to the best of his ability, strive to explore such issues from diverse and contending perspectives, without giving deference to any one perspective. The bill prohibits the Board and Department of Education and each local school board from teaching, instructing, or training certain individuals and groups, including teachers and students, to support, believe, endorse, embrace, confess, act upon, or otherwise assent to a divisive concept, as defined in the bill, or penalizing or discriminating against any such individual or group for refusing to do so. The bill also prohibits any school board or employee thereof from teaching or incorporating into any course or class any such divisive concept or creating a position or hiring a consultant with the job title of equity director or diversity director or a substantially similar title and with a job description that includes any activity that would result in a violation of a provision of the bill. The bill further declares that the parent of each student enrolled in a public elementary or secondary school has the right to be aware of all curricula, instructional materials, lessons, and other forms of instruction provided to his child and may request that the student's teacher provide any such item for review. Finally, the bill provides that in the event that a local school board finds that a school board employee has persistently, knowingly, and intentionally violated any of the bill's provisions, the parent of any student affected by such violations may request and the local school board shall provide a voucher in an amount equal to all sums from any source that the local school board received for the education of such student and the parent shall use such voucher to provide for the education of his child in any setting set forth in relevant law.

HB786 (LaRock) Board of Education; policy on certain instructional material and related academic activities; annual parental notification; replacement or alternative material and activities; local compliance. Requires the Board of Education to establish, and each local school board to comply with,

AMERICAN OVERSIGHT
VA-22-0316-A-000594

a policy to require each public elementary or secondary school to (i) annually notify the parent of any student enrolled in a class or course in which the instructional material or related academic activities includes or may include sexually explicit content, as defined in the bill, or content that depicts sexual misconduct, as defined in the bill; (ii) permit the parent of any student to review instructional material that includes sexually explicit content or content that depicts sexual misconduct, upon request; and (iii) provide, as a replacement or an alternative to instructional material and related academic activities that include sexually explicit content or content that depicts sexual misconduct, instructional material and related academic activities that do not include sexually explicit content or content that depicts sexual misconduct to any student whose parent so requests.

HB787 (LaRock) Training or instruction on certain concepts in public elementary and secondary education; declaration as unlawful and discriminatory practice. Declares it an unlawful and discriminatory practice for any local school board or employee or contractor thereof to train or instruct any individual on any divisive concept, as defined in the bill, for the purpose of promoting and encouraging such individual to adopt or believe such concept. The bill requires the Department of Education to establish model policies for the prevention of such unlawful and discriminatory practice and each local school board to adopt policies that are consistent with but may be more comprehensive than the model policies established by the Department.

HB946 (Wampler) Board of Education; local school boards; public notice and comment regarding certain materials. Requires the Board of Education (the Board), in order to provide appropriate opportunity for input from the general public, parents, teachers, and local school boards, to solicit public comment prior to revising, adopting, or approving any Standards of Learning resource guide or curriculum framework, list of recommended textbooks in any Standards of Learning academic subject, textbook, instructional aid or material, or required or recommended reading list. The bill requires the Board to publish notice of its intended action at least 30 days prior to soliciting public comment, provide interested parties reasonable opportunity to be heard and present information prior to final action of the Board, and make such materials available for public inspection at least 30 days prior to final revision, adoption, or approval, as the case may be. Under current law, such requirements for public input apply only to the adoption or revision of Standards of Learning resource guides and lists of recommended textbooks in any Standards of Learning academic subject. The bill also requires the Board to establish minimum standards for local school boards to provide appropriate opportunity for input from the general public, parents, and teachers by soliciting public comment prior to revising, adopting, or approving any curriculum, textbook, instructional aid or material, or required or recommended reading list. The bill requires each local school board to comply with such minimum standards, which are required to include opportunities for public input that are substantially similar to those that are required to be provided by the Board.

HB1007 (Scott), HB1009 (Durant), and SB656 (Dunnavant) Board of Education; policy on sexually explicit instructional material. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request, and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests. ***These are Governor's bills.**

HB1032 (LaRock) Superintendent of Public Instruction and local school boards; standards for certain public school library materials; parental review of library and other educational materials. Requires the Superintendent of Public Instruction to develop and distribute to each local school board and each such school board to enforce throughout the local school division mandatory statewide standards for evaluating, classifying, and removing from any public elementary or secondary school library any explicit material. The bill also permits the Office of the Attorney General to enforce compliance with such standards in any local school division. The bill also establishes means and processes for the review of education materials and the review and approval of library materials by parents, including requiring

AMERICAN OVERSIGHT
VA-22-0316-A-000595

the parents of all students who attend a public elementary or secondary school to comprise the Parental Review and Approval Committee for such school and requiring such Committee to review and vote to approve or disapprove of each item on a list of proposed library materials distributed to it by the school.

HB1068 (Cordoza) and SB570 (Kiggans) Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited. Requires each public elementary or secondary school principal to ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, as that term is defined in the bill, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity. ***These are Governor's bills.**

HB1126 (Avoli) Public education; parental rights; access to certain facilities and accommodations; instructional content; bullying. Declares that the parent of any student enrolled in a public elementary or secondary school in the Commonwealth has the right to (i) obtain and review any educational material and curriculum utilized in any class or course in which the student is enrolled; (ii) opt his child out of any class or course activity, lesson, or reading assignment or the use of any audiovisual material or library book to which the parent objects; (iii) easily access a list of the title and author of each book in each classroom and each library in the school in which the student is enrolled; (iv) receive notice of and attend any public meeting of the school board governing the local school division in which the student is enrolled; (v) review the annual school division budget and expenditures; (vi) send his child to attend school in a safe environment; and (vii) be updated by the school principal on any violent activity in the school in which the student is enrolled. The bill requires each school board to adopt policies to require each student and school board employee to have access to restrooms, locker rooms, and other changing facilities in public school buildings that are shared only by members of the same biological sex; lodging accommodations during school-sponsored trips that are shared only by members of the same biological sex; and a single-user restroom, locker room, or other changing facility in a public school building, upon request, if the school can reasonably accommodate such a request. The bill also prohibits any school board employee or individual who provides any school-sponsored program from teaching or promoting to any student or school board employee the concept that (a) any race is inherently superior or inferior; (b) any individual is racist, privileged, oppressive, biased, or responsible for actions committed by others of the same race or skin color by virtue of the individual's race or skin color; (c) the United States is fundamentally racist; or (d) market-based economics is inherently racist. The bill finally requires each school board to implement policies and procedures to educate school board employees about bullying and the need to create a school environment in which all individuals are treated with dignity and respect and any incident of bullying is taken seriously and handled in a robust manner.

HB1272 (Batten) and SB739 (Dunnavant) Public elementary and secondary schools and public school-based early childhood care and education programs; student instruction. Requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law, each school board to offer in-person instruction, as defined in the bill, to each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program.

SB275 (DeSteph) Public school libraries; printed and audiovisual materials; selection, evaluation, checkout, and removal procedures. Requires each local school board to adopt policies that address the selection and evaluation of all printed and audiovisual materials purchased by, donated to, or otherwise made available to the school division that will be available to students in school libraries and requires such policies to contain clear procedures for (i) parental involvement in and a reasonable opportunity for public comment before the selection and evaluation of printed and audiovisual materials that will be available to students in school libraries; (ii) mandatory prior written parental consent before a student is permitted to check out from the school library any such printed or

AMERICAN OVERSIGHT
VA-22-0316-A-000596

audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law; and (iii) the removal from the school library of any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law.

GOVERNOR'S SCHOOLS

HB127 (Davis) Academic year Governor's Schools; certain practices prohibited and permitted. Prohibits any academic year Governor's School or governing board member, director, administrator, or employee thereof from (i) discriminating against or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin; (ii) engaging in proxy discrimination, as defined in the bill, in student admissions; or (iii) seeking information on students' race, sex, color, ethnicity, or national origin during the application process for admission to such school unless expressly required by federal law, and to the extent it is required by federal law, the bill requires such information to be withheld to the maximum extent practicable from any individual involved in admissions decisions to the end that admissions decisions are blind as to the applicants' race, sex, color, ethnicity, and national origin. The bill permits any academic year Governor's School or governing board member, director, administrator, or employee thereof to use traditional academic success factors, as defined in the bill, in student admissions and provides that such use presumptively does not constitute proxy discrimination. The bill also contains provisions relating to evidentiary burdens of proof in certain causes of action involving such proxy discrimination or traditional academic success factors. ***This is a Governor's bill.**

HB486 (Subramanyam) Thomas Jefferson High School for Science and Technology; admissions requirements. Requires the Thomas Jefferson High School for Science and Technology academic year Governor's School in Fairfax County to annually admit for first-time enrollment as freshmen at least 100 students who reside in the Loudoun County school division.

LITERACY

HB319 (Coyner) and SB616 (Lucas) Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research. Makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking initial licensure with an endorsement in a certain area, including as a reading specialist, to demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the bill; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each school board to establish a divisionwide literacy plan; and (iv) each local school board to provide a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024-2025 school year. ***These are Governor's bills.**

HB418 (Delaney) Public elementary and secondary education; at-risk add-on funds; Reading Recovery. Removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.

AMERICAN OVERSIGHT
VA-22-0316-A-000597

OTHER

HB340 (Davis) Board of Education; high school graduation; alternative pathways to the advanced studies diploma; associated diploma seals. Directs the Board of Education to establish pathways to the advanced studies high school diploma, and associated diploma seals for students who successfully follow and demonstrate excellence on such pathways, that require advanced coursework in career and technical education in lieu of world language courses or any other required course that the Board deems appropriate. The bill requires such pathways and diploma seals to become effective for the 2023-2024 school year and to be available to any student, regardless of the school year during which the student enters ninth grade.

HB1108 (Rasoul) Public schools; instruction concerning gambling. Requires instruction concerning gambling and the addictive potential thereof to be provided by the public schools as prescribed by the Board of Education.

HB1246 (Tran) Public elementary and secondary schools; students; digital tools; accessibility. Adds several provisions relating to the accessibility of each digital tool, defined in the bill as an online platform, a course, a digital application, information and communication technology services, and digital content, to be used in the instruction of public elementary and secondary school students, including requiring (i) the Department of Education to establish and revise when necessary guidelines for local school divisions that govern the purchase of accessible digital tools to be used in student instruction and (ii) except in certain limited circumstances, the procurement process utilized by each local school division for the purchase of a digital tool initiated on or after September 1, 2022, to require (a) the digital tool procured to meet or exceed the Department's standards; (b) each digital tool vendor to submit a voluntary product accessibility template prepared by a third-party professional accessibility tester to demonstrate how the digital tool conforms to the Department's standards and to remedy any nonconforming digital tool within 180 days of receipt of notice of such nonconformity from the local school division at any time during the term of the contract; and (c) each digital tool vendor to indemnify the local school board for liability resulting from the use of a procured digital tool that fails to meet the relevant federal accessibility standard, including nonvisual access.

HB1215 (Ransone) Physical education; public safety training. Requires any physical education class offered to students in grades seven and eight to include at least one hour of public safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training, social media education, and self-defense tactics training.

HB1299 (Coyner) and SB738 (Morrissey) Department of Education; State Council of Higher Education for Virginia; instruction concerning post-graduate opportunities for high school students. Requires the Department of Education to collect and distribute to public schools and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The bill directs the Department to annually collect and compile such information in consultation with the State Council of Higher Education for Virginia and any other entity that can assist the Department with collecting and compiling such information and to update its distribution materials accordingly each year. The bill requires the Department to post and distribute the information to school boards, with any relevant updates, no later than October 1 each year and requires each school board to ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program as described in the bill.

SB78 (Norment) Board of Education; driver education programs; parent/student driver education. Requires the Board of Education to include the requirement for an additional minimum 90-minute

AMERICAN OVERSIGHT
VA-22-0316-A-000598

parent/student driver education component in its driver education program for all public school divisions. Under current law, the parent/student driver education component is required for Planning District 8 (Northern Virginia) and optional in all other school divisions.

SB384 (Dunnavant) Department of Education; Statewide Learning Management System established. Directs the Department of Education to establish the Statewide Learning Management System (VaLMS). The VaLMS shall be available to each public school in the Commonwealth. The bill allows school boards to utilize the VaLMS as an alternative to a multidivision online provider in the provision of virtual school programs.

STEM+C

HB217 (Simonds) Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board; STEM and Computing (STEM+C); review federal occupational categories; report. Requires the Virginia STEM Education Advisory Board (the Board) to (i) review the occupational categories in the U.S. Bureau of Labor Statistics' standard occupational classification system to determine the occupational categories that are not properly captured in the Commonwealth's existing STEM+C workforce profile and the gaps in the Commonwealth's tracking of careers in these occupational categories for the purpose of better aligning K%9616 education priorities and the Board's tracking and coordination of STEM+C and (ii) share its findings with the Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment (the Office) to include in the Office's efforts to specifically align STEM+C workforce and education. The bill requires the Board, in conducting such review, to focus on occupational categories such as advanced manufacturing, agriculture, financial systems, health care, military, and K%9616 education careers that are not currently tracked or categorized by the U.S. Bureau of Labor Statistics as STEM+C career fields. The bill also requires the Board to submit its findings and any recommendations to the General Assembly no later than October 1, 2022.

HB221 (Davis) and SB239 (Hashmi) STEM+C; Virginia STEM Education Advisory Board. Adds science, technology, engineering, mathematics and computing (STEM+C), which includes real-world, interdisciplinary, and computational instruction and preparation of students in STEM+C, to the list of topics that shall be included in the Standards of Learning for the Commonwealth. The bill also directs the Virginia STEM Education Advisory Board to develop and submit to the Board of Education (i) a rubric that shall be used by the Board of Education in setting out what factors permit a school to be defined as a STEM school and (ii) recommendations for the Board to create a measurement for quality of STEM programming in general education instruction. The bill also directs the Virginia STEM Education Advisory Board to draft and report to the Department of Education proposed common language and terminology that better defines the basic literacies employed in STEM+C as methodological approaches to solving universal human challenges and, as essential, generalizable and transferable literacy toward the application of skills and content needed to solve those challenges. The bill also directs the Department of Education, based on such proposed language and terminology and no later than December 1, 2022, to recommend finalized language and terminology to the Board of Education.

HB362 (Subramanyam) Department of Education; local school boards; instruction on climate change. Requires the Department of Education, in collaboration with environmental groups and other relevant state agencies such as the Department of Environmental Quality and the Department of Health and to assist local school boards in the implementation of programs of instruction that comply with the requirements relating to the Standards of Learning, specifically relating to citizenship and environmental issues and geography necessary for responsible participation in American society and the international community, to develop, no later than July 1, 2023, an interdisciplinary program of instruction on the causes of and potential solutions for climate change. The bill requires each local school board to incorporate, during the 2024-2025 school year, such program of instruction into curricula and instruction in the local school division in each core academic subject area at the grade levels that it deems most appropriate. The bill requires the Department of Education to implement and oversee a one-year pilot program to provide training and technical assistance to a diverse cross section

AMERICAN OVERSIGHT
VA-22-0316-A-000599

of local school boards to implement such program of instruction in the local school division during the intervening 2023-2024 school year between the development and full local implementation of such program of instruction.

HB636 (Carr) Virginia student environmental literacy; plan; grant fund and program. Requires the Board of Education, in consultation with the Department of Environmental Quality, the Department of Health, any other stakeholder that it deems appropriate, and the public, and in order to assist each local school board in developing and implementing a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning and emphasizes environmental literacy as an essential skill and concept of citizenship that is necessary for responsible participation in American society and in the international community, to establish and update at least once every five years a Virginia student environmental literacy plan (the plan) that (i) prepares students to understand, analyze, and address the major environmental challenges facing the Commonwealth and the United States; (ii) provides field experiences as part of regular school curricula and creates programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition; and (iii) creates opportunities for the enhanced and ongoing professional development of teachers that improves teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom. The bill requires the plan to include a description of (a) how the Board will measure the environmental literacy of students, including relevant Standards of Learning and related curricula and courses or subjects where environmental education instruction will be integrated throughout grades kindergarten through 12 curricula, and the relationship of the plan to the high school graduation requirements established by the Board; (b) programs for the professional development of teachers to improve teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom; and (c) how the Board will implement the plan, including securing funding and other necessary support. The bill establishes the Virginia Student Environmental Literacy Plan Grant Fund and Program, to be administered by the Department of Education, for the purpose of awarding grants on a competitive basis to any local school board that seeks assistance to initiate, expand, or improve teacher professional development opportunities or student environmental education programs that align with the content and objectives of the plan.

HB1026 (Guzman) Superintendent of Public Instruction; establishment of the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council. Requires the Superintendent of Public Instruction to establish and appoint no more than 12 members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (the Council), including at least one of each of the following: teacher, librarian, representative of a parent-teacher organization who is the parent of a school-age child, school administrator, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill requires the Council to (i) develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media literacy of all students in the local school division; (ii) develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students in public elementary and secondary schools; (iii) design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe, ethical, and responsible use of media and technology by students and teachers; and (iv) submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2023. The bill has an expiration date of July 1, 2024.

SB261 (Hashmi) Virginia STEM Education Advisory Board; comprehensive review of labor statistics categories; report. Directs the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board (the Board) to perform a comprehensive review of U.S. Bureau of Labor Statistics categories within the standard occupational classification system and assess deficit areas that do not capture Virginia's existing STEM+C (Computing) workforce profile for the purpose of better

AMERICAN OVERSIGHT
VA-22-0316-A-000600

aligning K-12 and higher education priorities. The Board shall report its findings to the Virginia Economic Development Partnership Authority Office of Education and Labor Market Alignment and the Chairmen of the House Committee on Communications, Technology and Innovation and the Senate Committee on General Laws and Technology no later than October 1, 2022.

LOCAL SCHOOL BOARDS AND DIVISIONS

HB18 (Fowler) Appointed school board members; salaries. Permits any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in relevant law or as provided by charter, with certain exceptions and conditions. Current law sets a specific maximum dollar amount for the salary of members of each such appointed school board.

HB466 (Subramanyam) Register of volunteer cybersecurity and information technology professionals. Directs the Secretary of Administration to establish a register of cybersecurity and information technology professionals interested in volunteering to assist localities and school divisions, in collaborating on workforce development, and in providing mentorship opportunities.

HB650 (Kory) School boards; school consolidation and redistricting and pupil assignment; access to advanced academic programs. Requires a school board to demonstrate in advance that the consolidation of schools, redistricting of school boundaries, or adoption of a pupil assignment plan will maintain or increase equitable student access to advanced academic programs.

HB688 (Kory) School boards; production of public records; fee schedules. Requires each school board to develop and post or otherwise make publicly available a fee schedule governing charges for the release of public records to be used by each school within its school division when responding to requests for public records pursuant to the Virginia Freedom of Information Act. The bill requires such fee schedule to be based on the most recent estimate of the aggregate costs incurred by each school within a school board's division in accessing, duplicating, supplying, or searching for requested public records. Finally, the bill provides that a school board shall review and update the fee schedule at least annually.

HB977 (McGuire III) Public elementary and secondary education; school boards and employees; promotion of diversity and respect. Requires each local school board and employee thereof to promote (i) diversity and respect, with the understanding that all individuals are created equal and diversity is a strength of the United States, and (ii) the concept that all cultures have contributed greatly to the rich history of the United States and the way of life that Americans enjoy today. The bill prohibits any local school board or employee thereof from training, teaching, or promoting to enrolled students or school board employees the concept that (a) any race is inherently superior or inferior to any other race; (b) any individual, by virtue of his race or skin color, is inherently racist, privileged, or oppressive, whether consciously or unconsciously; (c) any individual, by virtue of his race or religion, bears responsibility for the actions committed by other members of his race or religion; (d) any individual's moral character is determined by his race; (e) the United States is a fundamentally or systemically racist country; or (f) capitalism is an inherently racist economic system.

HB1138 (Reid) Loudoun County School Board; staggering of member terms; lot drawing; timeframe. Requires the lot drawing required to be conducted by the Loudoun County Electoral Board to determine the members of four of nine districts who will be elected to the Loudoun County School Board for four-year terms and the members of the remaining five districts who will be elected to the Loudoun County School Board for two-year terms to ensure the staggering of member terms for such school board to be conducted at the electoral board's first meeting of 2023 but no later than January 31, 2023.

HB1284 (Taylor) School boards; method of selection; election required. Requires election as the method of selecting the members of each school board in the Commonwealth. Current law requires such members to be appointed but permits their election under certain circumstances.

AMERICAN OVERSIGHT
VA-22-0316-A-000601

SB724 (Pillion) School boards; broadband; annual report. Requires each school board to submit an annual report to the Virginia Department of Education and the Virginia Department of Housing and Community Development that lists each student's 9-1-1 address that does not have broadband service, as defined by the Federal Communications Commission, to the home beginning in the fall of 2022 through the 2025 school year.

MISCELLANEOUS

HB246 (Kilgore) and SB596 (Pillion) School attendance; 4-H educational programs and activities. Provides that students who miss a partial or full day of school while participating in 4-H educational programs and activities shall not be counted as absent for the purposes of calculating average daily membership and shall receive course credit in the same manner as they would for a school field trip. The bill directs each local school board to develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs and activities to not be counted absent.

HB1022 (Guzman) Certain public elementary and secondary school students; excused absences; attendance at pow wow. Provides that, subject to guidelines established by the Department of Education, any student who is a member of a state-recognized or federally recognized tribal nation that is headquartered in the Commonwealth and who is absent from school to attend such tribal nation's pow wow gathering shall be granted an excused absence.

HB1164 (Runion) Composite index of local ability-to-pay; use value of real estate in certain localities. Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.

HB1352 (Bell) Private elementary and secondary schools; retaliation for good faith reports of child abuse or neglect prohibited. Prohibits any private elementary or secondary school from retaliating in any manner against any individual who in good faith reports child abuse or neglect as mandated by relevant law.

SB421 (Edwards) Libraries and education services; obsolete provisions. Revises and repeals obsolete provisions in Title 22.1 (Education) related to early childhood education and elementary and secondary education and Title 42.1 (Libraries) related to libraries and the Virginia Public Records Act. The bill also makes technical amendments. This bill is a recommendation of the Virginia Code Commission.

SB662 (Lucas) Department of Education; School Quality Profiles; teacher data. Requires the Department of Education to include on each School Quality Profile data on teachers' race and proficiency in any language other than English.

SCHOOL HEALTH AND NUTRITION

SCHOOL HEALTH

HB215 (Robinson) School Health Advisory Board. Establishes the School Health Advisory Board in the executive branch to advise the General Assembly and the Governor on pending or proposed legislation concerning the role of employees in public elementary or secondary schools in providing health care services at such schools and provide guidance on any associated training requirements.

AMERICAN OVERSIGHT
VA-22-0316-A-000602

HB915 (Orrock) Required immunizations; regulations. Provides that a parent, guardian, or person standing in loco parentis of each child in the Commonwealth shall cause such child to be vaccinated in accordance with the Regulations for the Immunization of School Children of the State Board of Health (the Board) and that regulations of the Board setting forth such requirements shall be subject to the Administrative Process Act. Currently, a parent, guardian, or person standing in loco parentis of a child shall cause such child to be vaccinated in accordance with the Immunizations Schedule developed and published by the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices, American Academy of Pediatrics, and American Academy of Family Physicians, and any regulations of the Board setting forth requirements related to vaccines are exempt from the Administrative Process Act.The bill also provides that no regulation of the Board of Health setting forth requirements related to vaccines shall become effective until after the next regular session of the General Assembly following the date on which the final adopted regulation is published in the Virginia Register of Regulations."

HB1036 (LaRock) Local school boards; requirement for students to wear masks or other face coverings; evidentiary substantiation. Prohibits any local school board from requiring any student enrolled at a public elementary or secondary school in the local school division to wear a mask, face covering, or other covering of the student's nose and mouth at school, on a school bus, or at a school-sponsored activity unless the local school board substantiates such requirement with evidence that (i) such requirement is necessary to suppress a nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health; (ii) no reasonable alternatives to such requirement exist in light of the impact on quality of life and economic well-being; and (iii) such requirement is narrowly tailored to address the nuisance dangerous to the public health or the communicable, contagious, or infectious disease or other danger to the public life and health.

SB62 (Favola) School Health Services Committee; report. Establishes the School Health Services Committee to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The bill requires the Committee to submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year. The bill has an expiration date of July 1, 2025.

SB431 (Dunnavant) Board of Education; COVID-19; test-to-stay guidelines. Requires the Board of Education, in collaboration with the Department of Health, to (i) recommend as best practice the shortest duration of quarantine possible, as recommended by the Centers for Disease Control and Prevention, for students and employees at public schools who contract COVID-19 and (ii) develop test-to-stay guidelines for such schools and recommend such guidelines to schools for use as an alternative to quarantine for students and employees who contract COVID-19. The bill also provides that all guidelines established pursuant to the bill shall be immediately distributed to local school boards and shall reflect the most updated recommendations from the Centers for Disease Control and Prevention to limit the amount of time out of the classroom to be as short as possible, including no quarantine, as recommended for asymptomatic individuals who have been fully vaccinated either within six months or have a boosted vaccination status. The bill contains an emergency clause.

SB704 (Kiggans) Superintendent of Public Instruction; school health services information; survey. Requires the Superintendent of Public Instruction to, at least annually, survey all local school divisions and use such data to strengthen the comprehensive availability of school health services information. The bill provides that information to be collected in the survey shall include: (i) staffing levels of school health personnel, (ii) the prevalence of students with chronic health conditions, (iii) the percentage of students with health services written in their records, (iv) the number of visits to the school health office and dispositions, (v) health services provided by each school, and (vi) any other information deemed appropriate. The bill requires each local school division to complete each survey.

AMERICAN OVERSIGHT
VA-22-0316-A-000603

SCHOOL NUTRITION

HB583 (Roem) Public elementary and secondary school students; ability to pay for meals and school meal debt; extracurricular school activities. Requires each school board to adopt policies that prohibit the school board or any school board employee from denying a student the opportunity to participate in any extracurricular school activity because the student cannot pay for a meal at school or owes a school meal debt.

HB587 (Roem) School Breakfast Program and National School Lunch Program; processing of applications. Requires each public elementary or secondary school to process each web-based or paper-based application for participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within five working days after the date of receipt of the application.

SCHOOL SAFETY AND DISCIPLINE

HB4 (Wyatt), HB59 (McGuire III), HB308 (Ransone), SB36 (Norment), SB613 (Stanley), and SB287 (DeSteph) School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. ***These are Governor's bill.**

HB8 (Anderson) School security officers; scope of employment; certain veterans. Provides that each school security officer, in addition to performing each enumerated duty, is responsible for carrying out any other duty assigned to him by the local school board. The bill permits any local school board or private or religious school to employ as a school security officer any veteran who has served a minimum of 10 years as an active duty member in the Armed Forces of the United States, received an honorable discharge or general discharge under honorable conditions from such service, and meets the Department of Criminal Justice Services' minimum certification and training requirements for school security officers.

HB12 (Anderson) Public school buildings; entry points; limits; screening. Requires each local school board to (i) limit to the lowest feasible number the entry points in each public school building in the local school division, (ii) ensure that each individual who seeks to enter any school building in the local school division is screened with a handheld metal detector wand by a school security officer or another appropriate school board employee who is appropriately trained in such method of screening, (iii) require each such school security officer or other appropriate school board employee to implement further screening according to a protocol that it deems appropriate in any case in which the school board employee who conducts the initial screening has reason to believe that the individual who seeks to enter the school building is in possession of a weapon, and (iv) prohibit any individual from entering any school building in the local school division if the individual fails or refuses to submit to the screening required in clauses (ii) and (iii).

HB37 (Anderson) School boards; school resource officers; employment; threat assessment. Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public middle and high school in the local school division and at least one school resource officer per five public elementary schools in the local school division, who is required to serve in each such elementary school on a rotating basis. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school.

HB89 (Walker) Disorderly conduct in public places. Removes the provision that any instance of disorderly conduct by an elementary or secondary school student which occurred on the property of

AMERICAN OVERSIGHT
VA-22-0316-A-000604

any elementary or secondary school, on a school bus as defined in § 46.2-100, or at any activity conducted or sponsored by any elementary or secondary school be excluded from the disorderly conduct in public places.

HB741 (Bell) Annual public elementary and secondary school safety audits; creation or review of school building floor plans required. Requires each local school board, as part of each annual school safety audit, to create a detailed and accurate floor plan for each public school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate but provides that such floor plan may be withheld from public disclosure.

HB863 (Reid) Local law enforcement; certain reports to school principals and division superintendents; form and scope. Requires local law-enforcement authorities to report in writing, and the principal or his designee and the division superintendent to receive each such report, on (i) any suspected offense, offense for which any charge has been filed, or offense that is subject to investigation, that was committed by a student enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving certain enumerated incidents, and (ii) whether the student is released to the custody of his parent or, if 18 years of age or older, is released on bond. Current law does not require such reports to be in writing and only applies to student offenses but does not specify whether such reports are required to be made for student offenses that are suspected, charged, or subject to investigation.

HB873 (Greenhalgh) and SB415 (DeSteph) School boards; school resource officers; employment; threat assessment. Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public elementary and secondary school in the local school division. The bill provides that no school board shall be granted any full or partial waiver from such staffing requirements and that no school board that fails to fully comply with such staffing requirements is eligible for any grant or waiver from the Commonwealth, Board of Education, or Department of Education. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school. ***These are Governor's bills.**

HB985 (Anderson) School principals; incident reports; violent offenses. violent offenses. Requires that school principals report to law enforcement any felony offenses and violent offenses enumerated in the bill that may constitute a criminal offense. Under the bill, principals have discretion to report certain non-violent crimes to law enforcement. Under current law, principals are required to make such reports to law enforcement only for such acts that may constitute a felony offense.

HB1125 (Anderson) School boards; parental notification of certain threats, behavior, and unlawful acts; panic alarms. Requires, within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing, each division superintendent to notify the parent of each student enrolled in the relevant school of such threat, threatening or aberrant behavior, or unlawful act. The bill requires each school board to equip each public elementary and secondary school building in the local school division with at least one panic alarm that adheres to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories, and is installed by a licensed and qualified professional. The bill defines "panic alarm" as a silent security system by which the user manually activates a device that sends a non-audible signal to the local law-enforcement agency that indicates a school security emergency, including a non-fire evacuation, lockdown, or active shooter situation, that requires immediate response and assistance from such agency.

AMERICAN OVERSIGHT
VA-22-0316-A-000605

HB1129 (Taylor) and SB600 (Pillion) School safety audits; law-enforcement officers. Requires each local school board to require its schools to fully collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. Under current law, the division superintendent is required to make the results of such audits available to the chief law-enforcement officer upon request, and his approval is not needed. The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee. Current law requires that the completed walk-through checklist be made available to the chief law-enforcement officer or his designee upon request. ***These are Governor's bills.**

HB1315 (Anderson) School boards; parental notification of certain threats, behavior, and unlawful acts. Requires division superintendents to notify the parent of each student enrolled in the relevant school of a threat, threatening or aberrant behavior, or unlawful act within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing.

SPECIAL EDUCATION AND THE CHILDREN'S SERVICES ACT

HB547 (Hudson) Department of Education; statewide strategic plan; speech-language pathologists. Requires the Department to develop and maintain a statewide strategic plan for recruiting and retaining speech-language pathologists that, at a minimum, (i) analyze data to determine the specific staffing needs of local school divisions on an ongoing basis; (ii) evaluates the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for speech-language pathologists, and the expansion of speech-language pathologist mentorships; and (iii) estimates the costs of implementing each such strategy, including the extent to which federal funds could be used to support implementation. The bill requires the Department, no later than November 1 of each year, to update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also directs the Department of Education and the Board of Education, in consultation with each local school board, to (a) examine the caseloads and compensation of speech-language pathologists in each local school division, (b) compare such caseloads and compensation to those of speech-language pathologists in contiguous states, and (c) make recommendations to the Governor and the General Assembly no later than November 1, 2022, for such amendments to relevant law and the general appropriations act as may be necessary to effectuate a reduction in caseloads and increase in compensation that would facilitate stronger recruitment and retention of speech-language pathologists in public elementary and secondary schools in the Commonwealth.

HB649 (Carr) and SB265 (Hashmi) Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report. Requires the Department of Education, in coordination with the Department for the Deaf and Hard-of-Hearing, to (i) select, with input from an advisory committee that the bill establishes, language developmental milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy

AMERICAN OVERSIGHT
VA-22-0316-A-000606

development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

HB1047 (Tran) Students who need or use augmentative and alternative communication; instruction; eligibility; staff training. Provides that no student who needs or uses augmentative and alternative communication (AAC), which the bill defines as any device, tool, support, or service, or any combination thereof, that facilitates any form of communication, other than oral speech, that can be used to express thoughts, needs, wants, and ideas, shall be denied the opportunity for inclusion in regular classrooms or the provision of age-appropriate instruction on the basis that such student may require support with AAC. The bill prohibits any individualized education program team, member of such team, or school division employee from utilizing the results of any intelligence quotient test or any other test to measure intelligence or cognitive ability to determine a student with a disability's eligibility to be provided with and use AAC at school. The bill requires each school division to document on the individualized education program of a student with a disability who needs or uses AAC, beginning prior to the provision of instruction or support to the student, including any extended school year period, the student's AAC and communication access and support needs, including, as appropriate, individualized training as an assistive technology service for each school division employee or contractor who provides instruction or direct support to such student, to support the student's use of AAC and to ensure that curricula and instruction are designed or adapted as necessary to accommodate the student's unique communication access needs.

HB1246 (Tran) Public elementary and secondary schools; students; digital tools; accessibility. Adds several provisions relating to the accessibility of each digital tool, defined in the bill as an online platform, a course, a digital application, information and communication technology services, and digital content, to be used in the instruction of public elementary and secondary school students, including requiring (i) the Department of Education to establish and revise when necessary guidelines for local school divisions that govern the purchase of accessible digital tools to be used in student instruction and (ii) except in certain limited circumstances, the procurement process utilized by each local school division for the purchase of a digital tool initiated on or after September 1, 2022, to require (a) the digital tool procured to meet or exceed the Department's standards; (b) each digital tool vendor to submit a voluntary product accessibility template prepared by a third-party professional accessibility tester to demonstrate how the digital tool conforms to the Department's standards and to remedy any nonconforming digital tool within 180 days of receipt of notice of such nonconformity from the local school division at any time during the term of the contract; and (c) each digital tool vendor to indemnify the local school board for liability resulting from the use of a procured digital tool that fails to meet the relevant federal accessibility standard, including nonvisual access.

SB356 (Stuart) Children's Services Act; special education programs. Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.

STANDARDS OF QUALITY

HB829 (Wilt) School counselors; staffing ratios; flexibility. Permits school boards to fulfill the staffing ratio requirements for school counselors by employing other licensed counseling professionals or providing other licensed counseling professionals through contracted services.

HB1135 (Bourne) and SB490 (McClellan) Standards of Quality; work-based learning; teacher leaders and mentors; principal mentors; certain personnel positions and initiatives. Makes several changes to the

AMERICAN OVERSIGHT
VA-22-0316-A-000607

Standards of Quality, including requiring the establishment of units in the Department of Education to oversee work-based learning and principal mentorship statewide and requiring the Board of Education to establish and oversee the local implementation of teacher leader and teacher mentor programs in Standard 5. The bill also makes several changes relating to school personnel in Standard 2, including (i) establishing schoolwide ratios of students to teachers in certain schools with high concentrations of poverty and granting flexibility to provide compensation adjustments to teachers in such schools; (ii) requiring each school board to assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all schools in the local school division; (iii) requiring each school board to employ teacher leaders and teacher mentors at specified student-to-position ratios; (iv) requiring state funding in addition to basic aid to support at-risk students and granting flexibility in the use of such funds by school boards; (v) lowering the ratio of English language learner students to teachers; (vi) requiring each school board to employ reading specialists and establishing a student-to-position ratio for such specialists; (vii) requiring school boards to employ one full-time principal in each elementary school; (viii) lowering the ratio of students to assistant principals and school counselors in elementary, middle, and high schools; and (ix) increasing from at least three to at least four the required number of specialized student support positions, including school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, per 1,000 students.

HB1184 (Guzman) and SB156 (Hashmi) Public schools; English language learners. Requires state funding to be provided to support new divisionwide ratios of English learner students in average daily membership to full-time equivalent teaching positions, as follows: (i) for each English language learner identified as proficiency level one, one position per 25 students; (ii) for each English language learner identified as proficiency level two, one position per 30 students; (iii) for each English language learner identified as proficiency level three, one position per 40 students; and (iv) for all other English language learners, one position per 50 students. Under the bill, in order to provide additional support for instruction of English language learners, $150 shall be appropriated in year one to divisions for each English learner student to support professional development of instructional and support staff, purchase resources developed for students learning English, and offer grants to community-based organizations that offer support services to English language learners in school settings.

STUDIES

HJ19 (Greenhalgh) Study; Department of Education; purpose and goals of public education; report. Requests that the Department of Education study the purpose and goals of public education by encouraging input from the citizens of the Commonwealth, including parents, teachers, school administrators, and local school board members, to clarify (i) the broader purpose of public education in light of the fundamental goal of public education, as expressed by the General Assembly and the Board of Education, and (i) the specific measurable outcomes that education laws, regulations, policies, and practices should help to achieve in order to further such broader purpose and such fundamental goal.

HJ84 (Guzman) Study; Department of Education; root causes of public school bus driver shortages and working conditions of public school bus drivers in the Commonwealth; report. Requests that the Department of Education, with the assistance of each local school board, to study the root causes of public school bus driver shortages and the working conditions of public school bus drivers in the Commonwealth by (i) administering to each public school bus driver in each local school division in the Commonwealth and as many former public school bus drivers as is feasible a survey to determine the level of satisfaction with and the need for improvement to the working conditions of public school bus drivers in the Commonwealth, (ii) analyzing such survey data and such other information and data as it deems necessary and advisable, including information from other states and school districts contained therein that have had success in addressing public school bus driver shortages by addressing working conditions, and (iii) making recommendations for statutory, regulatory, or budgetary changes that may contribute to the improvement of the working conditions of public school bus drivers.

AMERICAN OVERSIGHT
VA-22-0316-A-000608

SJ10 (Surovell) Study; joint subcommittee to study pandemic response and preparedness in the Commonwealth; report. Establishes a joint subcommittee to study pandemic response and preparedness in the Commonwealth. In conducting its study, the joint subcommittee is tasked with examining existing laws in the Commonwealth and developing recommendations regarding the pandemic response and future needs of the Governor, the General Assembly, local governments, public and private health care systems and other facilities and providers, health districts, the judicial system, K-12 and higher education systems, and the business regulatory system.

STUDENT SERVICES

HB988 (Wyatt) and SB20 (Hackworth) Treatment of transgender students; model policies. Eliminates the requirement that each school board adopt policies that are consistent with the model policies developed by the Department of Education concerning the treatment of transgender students in public elementary and secondary schools. The bill also removes the requirement for such model policies to include information, guidance, procedures, and standards relating to the use of school facilities, requires the Department to amend its model policies to remove any such information, guidance, procedures, or standards, and requires the Department to make such amended model policies available to each school board no later than the beginning of the 2022-2023 school year. *SB20 does not include the provision to amend the model guidance related to facilities.

HB1034 (Ransone) Department of Education; school boards; guidelines for the provision of counseling services in public schools. Requires the Department of Education to develop and each local school board to adhere to guidelines for the provision of counseling services in public schools, which shall include (i) provisions for parental consent; written parental notification; parental involvement, as appropriate; and confidentiality; (ii) procedures by which a parent may limit or prohibit his child's participation; (iii) appropriate exceptions to the procedures by which a parent may limit or prohibit his child's participation such as imminent need, health, or safety or maintaining order in the school; and (iv) any other provision deemed necessary by the Department.

HB1124 (Anderson) Board of Education; school boards; codes of student conduct; contents. Requires the Board of Education's guidelines and model policies for codes of student conduct to include a requirement that any code of student conduct is enforced and any student behavioral intervention or disciplinary method or measure is utilized in a fair, proportional, unbiased, and neutral manner, for the sole purpose of maintaining safe learning environments, and with full and sole consideration of the student's behavior and with no consideration of any individual immutable characteristic of the student such as the student's sex or race. The bill requires each school board to establish and continuously maintain a system of fair, proportional, unbiased, and neutral student behavioral intervention and discipline and prohibits any school board from establishing or maintaining any system of student behavioral intervention or discipline, including positive behavioral interventions and supports or any substantially similar disciplinary method, that targets or differentiates student behavioral interventions or disciplinary methods or measures based on any factor other than the student's behavior.

TEACHER EDUCATION AND LICENSURE

HB230 (Coyner) and SB154 (Locke) Applications for teacher licensure by reciprocity; military spouses; timeline for determination. Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application

AMERICAN OVERSIGHT
VA-22-0316-A-000609

packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet.

HB236 (Orrock) Board of Education; authority to temporarily extend certain teachers' licenses. Permits the Board of Education to grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its statutory authority whose license expires on June 30, 2022, in order to provide the individual with sufficient additional time to complete the requirements for licensure renewal.

HB419 (Delaney) Institutions of higher education; education preparation programs; coursework; audit. Requires each education preparation program offered by a public institution of higher education or private institution of higher education that provides training for any student seeking initial licensure by the Department of Education to (i) include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction and require such program of coursework and the student mastery required to be demonstrated therein to be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent literacy experts and stakeholders with knowledge of science-based reading research and evidence-based literacy instruction that has reviewed the relevant regulations and (ii) for any such student seeking initial licensure by the Department of Education as a teacher with an endorsement in early childhood, elementary education, or special education or with an endorsement as a reading specialist ensure that reading course work and field practice opportunities are a significant focus of the education preparation program. The bill requires the Department of Education to audit at least once every five years each education preparation program for compliance with such requirements.

HB979 (Tran) and SB68 (Favola) Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States. Requires the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who holds a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license.

TEACHER EMPLOYMENT AND COMPENSATION

HB9 (Ware) and SB178 (Peake) Public school teachers; probationary term of service, grounds for dismissal, and dismissal hearings. Permits each school board to extend for up to two additional years the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing.

HB271 (Byron) Local school boards and comprehensive community colleges; compensation structure for adjunct instructors; noncredit workforce credentials. Requires local school boards and comprehensive communities colleges to enter into local or regional agreements for the establishment and implementation of a competitive compensation structure to recruit and retain adjunct instructors to be jointly compensated by the relevant school boards and colleges to prepare both high school students and college students to earn noncredit workforce credentials, as that term is defined in relevant law.

HB363 (Frietas) Certain school board employees; dismissal; grounds; continuing contract study; report. Prohibits school board employees who are not required to hold a valid license issued by the Board of

AMERICAN OVERSIGHT
VA-22-0316-A-000610

Education and public school teachers from being dismissed based on a last-hired, first-fired dismissal policy or any other similar policy that mandates that, when considering more than one such employee for dismissal, the seniority of each such employee shall be the sole determinative factor in the dismissal decision. The bill also requires the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health, in consultation with local school boards, to study and make recommendations to the General Assembly no later than November 1, 2022, regarding effective, alternative ways in which the performance of teachers may be evaluated for the purpose of awarding or rescinding continuing contract status.

HB371 (Convirs-Fowler) Licensed school board employees; cultural competency training; bullying of Asian American and Pacific Islander students. Requires the Board of Education's guidance on cultural competency training for licensed school board employees to include a model curriculum for cultural competency training relating to the bullying of Asian American and Pacific Islander students and requires such model curriculum to be incorporated into the biennial cultural competency training required for licensed school board employees.

HB440 (VanValkenburg) School boards; teachers; planning time and planning periods. Requires each local school board to ensure that each elementary school teacher is provided an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day, which shall be at least 45 minutes or one class period, whichever is longer. The bill permits local school boards and teachers to enter into an appropriate contractual arrangement providing for compensation in lieu of such planning time or period. Under current law, public elementary school teachers are guaranteed at least an average of 30 minutes of planning time per school day during a school week.

HB535 (Clark) Teacher compensation; at or above national average. Requires that public school teachers be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a 4.5 percent annual increase for public school teacher salaries, effective from the 2023-24 school year through the 2027-28 school year. The bill has a delayed effective date of July 1, 2023.

HB581 (VanValkenburg) Local school boards; teacher career ladder compensation programs. Requires each local school board to establish a teacher career ladder compensation program (program) whereby each rung on the ladder corresponds to a specific teacher career and compensation level as determined by the local school board. The bill requires each local school board to design and implement its own program, provided, however, that each program shall include the following principles and components: (i) each teacher shall provide increasing levels of student academic progress as measured by objective criteria before the teacher progresses to the next rung of the ladder; (ii) each teacher shall demonstrate improvement in teaching skills before the teacher progresses to the next rung of the ladder; (iii) each teacher shall assume additional teaching and other responsibilities such as curriculum development, team teaching, mentoring, and professional development activities before the teacher progresses to the next rung of the ladder; (iv) the local school board is responsible for providing teachers in the program with appropriate professional growth and development opportunities; and (v) the local school board shall ensure that equal pay is provided to teachers in the program who are performing at the same level. The bill provides that teacher participation in a teacher career ladder compensation program is optional and any teacher may opt to be compensated pursuant to the local school board's standard salary scale.

HB1005 (Guzman) Public school teachers; continuing contract; resignation. Declares a public school teacher employed after completing the probationary period to be entitled to a continuing contract whereby the contract continues in effect for the ensuing year in conformity with local salary stipulations, including increments, provided, however, that such teacher may be dismissed for any cause set forth in relevant law and in accordance with the procedures set forth in relevant law. Current law declares any such teacher to be entitled to such a continuing contract during good

AMERICAN OVERSIGHT
VA-22-0316-A-000611

behavior and competent service. The bill requires a public school teacher who seeks to resign from a continuing contract (i) for the ensuing school year to give written notice of such resignation on or before June 15 of the current school year or (ii) in effect for the current school year or for the ensuing school year after June 15 of the current school year to request release from the contract at least two weeks in advance of intended date of resignation and requires such request to be in writing and to set forth the cause of resignation. Current law requires written notice of noncontinuation of a continuing contract by either party to be given by June 15 of each year and permits a teacher to resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent if the teacher requests release from the contract in writing at least two weeks in advance of the intended date of resignation and sets forth the cause of resignation. The bill also provides that if the school board has not authorized the division superintendent to approve resignations of teachers with continuing contracts, the school board shall decide whether to accept or reject the resignation of such a teacher.

HB1093 (Batten) Public elementary and secondary education; school boards and employees; cultural competency training; evaluations. Requires the evaluation of each public school teacher and principal and division superintendent to include an evaluation of cultural competency if the relevant local school board has adopted and implemented policies to require cultural competency training. Under current law, such an evaluation of cultural competency is required and not conditioned upon any such action of the local school board. The bill permits any school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board of Education to complete cultural competency training, in accordance with guidance issued by the Board of Education, at least every two years, but only after providing 30 days' advanced written notice of and holding a public hearing regarding the adoption and implementation of such policies. Current law requires such cultural competency training and makes no provision for such notice and public hearing.

HB1110 (Maldonado) Local school boards; grievance procedure for certain employees; timing of resolution of certain disputes. Requires each local school board's grievance procedure for school board employees, except the division superintendent, principals, assistant principals, teachers, supervisors, and other employees required to be licensed by the Board of Education, to afford a timely and fair method of the resolution of disputes arising between the school board and such employees before dismissal or other disciplinary actions, excluding suspensions. Current law requires such grievance procedures to afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding, but not before, dismissal or other disciplinary actions, excluding suspensions.

SB157 (Hashmi) Competitive compensation for certain positions in public elementary and secondary schools. Declares it the goal of the Commonwealth that its public school teachers and all other individuals employed in Standards of Quality-funded positions be compensated at a rate that is competitive, defined as at or above the national average salary for the position, in order to attract and keep highly qualified individuals in such positions. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a five percent annual pay increase for each such position, effective from the 2023-24 school year through the 2027-28 school year, provided that such five percent annual pay increase (i) is subject to a local matching requirement in accordance with each local school board's composite index of local ability-to-pay and (ii) shall be adjusted annually as necessary to account for rebenchmarking and to yield a rate of compensation percentage increase for all Standards of Quality-funded positions that is pegged to providing a competitive average teacher salary in the Commonwealth. The bill has a delayed effective date of July 1, 2023.

AMERICAN OVERSIGHT
VA-22-0316-A-000612

TAX CREDITS, VOUCHERS, AND SAVINGS PROGRAMS

HB201 (Webert) In-person instruction; education vouchers; emergency. Requires, in the event that any school board does not provide the option of in-person instruction as the sole method of instruction for any enrolled student, the parent of any such student who withdraws his child from attendance to receive, upon request, an education voucher in an amount equal to a prorated share of the applicable Standards of Quality per-pupil state funds appropriated for public school purposes and apportioned to the school division, including the per-pupil share of state sales tax funding in basic aid and any state per-pupil share of special education funding for which the child is eligible, to cover the expenses of providing in-person instruction in an alternative setting. The bill permits the Department of Education to establish rules, regulations, or procedures for the issuance of such education vouchers. The bill contains an emergency clause.

HB293 (Frietas) Education Savings Account Program; establishment. Establishes the Education Savings Account Program (the Program), to be administered by the Department of Education (the Department) with assistance from each local school board, whereby the parent of any elementary or secondary school student who (i) is a member of a household whose annual income does not exceed two times the annual household income that would qualify the student for free or reduced-price lunch and (ii) was eligible to attend a public school in the Commonwealth in the preceding semester or is starting elementary or secondary school in the Commonwealth for the first time is eligible to receive an education savings account, for as long as the student is of school age and the amount of which is determined pursuant to a calculation set forth in the bill, to cover certain enumerated educational expenses for his child. The bill requires the Department to establish rules and regulations for the Program and contains conditions, limitations, and other requirements for the Program, including provisions relating to the accountability and educational autonomy of individuals and entities receiving account funds to cover qualified expenses.

HB294 (Frietas) Education improvement scholarship tax credits; eligible students in need of a safer school environment. Declares eligible for a scholarship from a scholarship foundation that receives an education improvement scholarship tax credit, on the same basis as any other eligible student, eligible students in need of a safer school environment, defined in the bill as any student who, while enrolled in a public elementary or secondary school in kindergarten through grade 12, was the victim of assault, battery, bullying, harassment, hazing, kidnapping, or robbery on school property, on a school bus, or at a school-sponsored activity, as substantiated by an investigation and written report by the school principal. The bill provides that (i) eligible students in need of a safer school environment are permitted to use such scholarships to cover the expenses associated with attending another public school within or outside of his school division of residence and (ii) there are no family income restrictions on scholarships for eligible students in need of a safer school environment.

HB333 (Frietas) Public education; student education accounts. Permits any school board to establish a program to create savings accounts for students to be used for alternative educational programs. The bill requires the Department of Education to establish policies and procedures under which the parent of each student may use such funds on public or private educational programs.

HB784 (LaRock) Home instruction and private school tax credit. Creates an individual, nonrefundable income tax credit for taxable years 2022 through 2026, for amounts paid by the parent or legal guardian of a child for the child's home instruction expenses or tuition for attending an accredited private school in Virginia. The credit shall equal the lesser of the amount actually paid in the taxable year for such costs or half of the average state standards of quality funding per student per year. The credit may be taken for instruction-related materials, courses, or programs used in home instruction or for private school tuition. The credit is available for two years per child and can be carried forward for five taxable years.

AMERICAN OVERSIGHT
VA-22-0316-A-000613

HB788 (LaRock) Education Improvement Scholarships Tax Credits program. Increases from 65 percent to 75 percent the tax credit for the value of the monetary or marketable securities donation made by a taxpayer to an eligible scholarship foundation.

HB982 (Scott) Education Savings Account Program established; Education Improvement Scholarships Tax Credits. Establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2022–2023 school year. The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is $25 million, and removes individual minimum and maximum required donation amounts. The bill raises the threshold for students to qualify for scholarships to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, 1,200 percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a Virginia resident and eligible to enroll in a Virginia primary or secondary school. Current law restricts eligibility to certain categories of students. The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2022.

HB1024 (LaRock) Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

HB1025 (LaRock) Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

SB16 (Hackworth) Income tax; Education Improvement Scholarships Tax Credits. Increases the aggregate annual cap on the Education Improvement Scholarships Tax Credits from $25 million to $50 million, increases the value of the credit from 65 percent to 80 percent, and removes the credit's current sunset of January 1, 2028.

AMERICAN OVERSIGHT
VA-22-0316-A-000614

SB27 (Ruff) Income tax credits; Neighborhood Assistance Program and Education Improvement Scholarships. Makes several amendments to expand the availability of the Neighborhood Assistance Program (NAP) and Education Improvement Scholarships Tax Credits (EISTC). The bill increases the limit on NAP credits approved by the Department of Education (DOE) from $9 million to $25 million. When added to the current limit of $8 million of NAP credits approved by the Department of Social Services (DSS), the overall limit on NAP credits would be $33 million. The bill makes decisions of DOE and DSS regarding the qualification of a scholarship foundation or the awarding of tax credits subject to judicial appeal; currently, such decisions are final. The bill provides that the annual allocation of tax credits among neighborhood organizations shall not rely solely on the amount of credits awarded in the previous year. For the EISTC, the bill allows certified public accountants to receive tax credits for donations of accounting services to scholarship organizations. The bill also authorizes scholarship foundations, which are the sole recipient of funding from the issuance of EISTC, to receive funding for scholastic assistance, defined in the bill as counseling or supportive services. Under current law, scholarship foundations may receive EISTC funding only for the purpose of providing scholarships.

SB709 (DeSteph) Education improvement scholarships tax credits; sunset. Removes the sunset of taxable years beginning on or after January 1, 2028, for the tax credit for donations to certain scholarship foundations and removes the sunset for changes to the definition of an eligible student with a disability and certain income guidelines that were set to expire beginning with taxable years beginning on or after January 1, 2024.

AMERICAN OVERSIGHT
VA-22-0316-A-000615

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/25/2022 5:34:39 PM
To: "Elizabeth Carlton" <elizabeth.morris@doe.virginia.gov>, "Rebecca Askew" <rebecca.askew@doe.virginia.gov>, "Westfall, Rebecca" <rebecca.westfall@doe.virginia.gov>, "Linda Wallinger" <linda.wallinger@doe.virginia.gov>
Cc:
Subject: EO1

ICYMI --

https://www.doe.virginia.gov/statistics_reports/interim-30-day-report-on-inherently-divisive-concepts.pdf

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/14/2022 1:08:02 PM
To: "rr Constituent Services" <constituentservices@doe.virginia.gov>
Cc:
Subject: Fwd: APS Needs Parent Choice on Masking

Attachments: IMG-1348.jpg ,IMG-1351.PNG ,IMG-1352.PNG ,IMG-1354.PNG

I suspect others in the agency received this as a blind copy. I'm not sure if it merits response as a blind copy or just an FYI, but forwarding in case it needs something coordinated.

Thank you!

---------- Forwarded message ---------
From: **Trisha Snelgrove** <trishasnelgrove@gmail.com>
Date: Mon, Feb 14, 2022 at 9:36 AM
Subject: Fwd: APS Needs Parent Choice on Masking
To:

Hello, please read this entire chain of emails. Thank you...

Good morning Mrs. Kadera,

Thank you so much for your reply and concern. I really hope that the children can be unmasked as soon as possible. California, particularly Los Angeles, showed the world last night, at the Super Bowl, that the pandemic is over. I've confirmed with multiple people in attendance that they were not verifying vaccination status upon entry and 99% of the people there were not wearing masks or social distancing despite the fact that Gavin Newsom's mask mandate isn't softening until tomorrow. Please see the attached images. So many people all over the world were posting about the hypocrisy of this.

So what does this have to do with Arlington, VA? If the extremely democratic state of CA can be this hypocritical, then it shows that there is no state of emergency, no one is worried about the spread (even immunocompromised Magic Johnson was there and at playoff games, posing with people maskless indoors including with Los Angeles Mayor Garcetti and Governor Newsom), and our children need to get their NORMAL lives back.

One of the attachments is from LAUSD stating that despite the CA mask mandates being softened tomorrow, the LAUSD children will still have to wear their masks indoors and outdoors. This just shows the power and the tyranny that is happening (especially because most LAUSD children are also vaccinated.) If we don't stop this NOW, when the pandemic is currently a common cold and posing as a lesser threat than the Flu and RSV, then it will never stop. Please use your leadership role and do what is right and just for our children.

I'm begging everyone who has a voice to please stand up for our children.

Thank you so much.

Trisha Snelgrove

On Sat, Feb 12, 2022 at 7:08 AM Kadera, Mary <mary.kadera@apsva.us> wrote:

> Dear Trisha,
>
> Thank you so much for sharing this with Dave at office hours on Monday and for following up with the rest of the School Board.
>
> I really appreciate you sharing this resource and your perspective. This is a topic that I am following closely and have been interested to learn about the “offramps” that other states and school districts are putting in place tied to specific health metrics in the local community.
>
> I’m thinking carefully about what you shared and appreciate you taking the time to do so.
>
> Warmly,
>
> Mary

From: Trisha Snelgrove <trishasnelgrove@gmail.com>
Sent: Monday, February 7, 2022 10:41 PM
Subject: APS Needs Parent Choice on Masking

CAUTION This email originated from outside of Arlington Public Schools. Do not click links or open attachments unless you know the content is safe.

Hello everyone,

This evening I spoke for 5 minutes during Mr. David Priddy's virtual office hours. I'm so grateful for his time and giving me an opportunity to be heard. Mr. Priddy asked me to send you all the attachment that I referenced in our meeting, and all of my concerns.

AMERICAN OVERSIGHT

I'm a mother of three. All they've known in life is the pandemic. My family has been diligently following all guidelines since March 2020, but the pandemic has changed and the stringent mask rule for our students is unacceptable. APS needs to reassess and make changes to the current protocol happening in classrooms that is detrimental to our children.

I want APS to comply with Governor Youngkin's Executive Order and give parents a choice on masking. As the Governor stated today, "two years into the pandemic, our understanding of COVID-19 has changed. It is encouraging to see Delaware, New Jersey, and Connecticut to look for ways to return to normal. Our kids deserve the chance to be kids again".

Please see the attachment "The Urgency of Normal Toolkit". It is an amazing and credible tool for everyone to read, regardless of their outlook on Covid policies. It provides a breadth of data and research supporting my request of removing the school mask mandate (giving parents a choice of masking their child), compiled by a large group of UCSF pediatricians, Harvard graduates, and a former CDC director. I've found it very helpful as I navigate this next phase of this pandemic. It's long but it's in a slideshow format so it is a very easy read. Once you read the attachment you'll better understand my requests in this email.

It is vital to move on from the extreme conditions our kids have been subject to these last two years, and allow them to start having a normal school experience. We as parents deserve to make masking decisions for our own children based on our own preferences and risk tolerances. It is amoral at this point in the pandemic to force the youngest and least at risk to sacrifice the most in the fight against Covid-19. RSV and the flu have historically presented a greater health risk to our children, yet we've always tolerated those risks for their own well-being.

The CDC states that one way masking works, so it is no longer a child's job to protect faculty, staff, and the community when proper PPE equipment and vaccines are plentiful for all and any who do choose to use them. Protecting the mental, social, and emotional health of students should be our TOP priority, and presents a far greater danger to their health than infection from Covid-19. Furthermore, the document states that "**high-quality one-way masking is more effective at protecting the vulnerable than universal use of low-quality masks**". Thus parents who believe their children are high risk are absolutely welcome to mask them. And if the masks really work, then they should be fine.

It's so easy to continue masking our kids but it's now unnecessary and I'm demanding that we break the cycle. When we begged teachers to go back into classrooms, did we bargain for permanent masking of our children? NO.

Dr. Scott Gottlieb, former FDA Commissioner and Pfizer Board member stated on February 6, 2022 that the CDC "should adjust its covid masking guidance to account for high immunity protection in America, specifically when it comes to schools". He also stated that the "proliferation of the Omicron variant in the US, on top of most school-age kids being eligible for vaccination, has created high immunity protection". "I think you're going to see governors start to do that" he says about lifting mask requirements in schools. He concluded with "**A lot of kids haven't known a normal school day for two years. We need to try to lean forward aggressively to trey to restore that**".

This article was written by Jamestown's very own mother Jennifer Knips. She's a doctor, fellow military spouse, and mother of 4. Her expertise, credibility and courage landed her in TIME this week. I encourage you, no matter how you feel about masking, to read her article and click the links.

A great excerpt from her article pertains to the MONA (Mothers of North Arlington) group that she's a part of, and I'm sure many mom's in our school and possibly board are as well. She says, *"After the governor issued his order, multiple members of a local mothers' group I belong to passionately equated his action to large scale homicide in a frenzy of emotional emails. Despite the peril of going against the grain, I took a leap and hit "reply all," calmly expressing my belief, supported by scientific evidence, that schools abide by the new executive order and transition to optional masking. I was fully prepared to have an inbox overflowing with hate mail. Instead, I received a multitude of private messages of support thanking me for being brave, presenting an alternative view and bringing scientific evidence to counter the usual echo chamber of fear mongering. Based on this response, I conclude that many parents agree with me but are afraid to speak up."*

I feel the same way about this topic. The more and more people I speak with, the more I realize many people just want a choice. We are at a point in the pandemic where masking children should be a parents' choice. To the parents who say "the kids don't care about the masks" or "kids are resilient" I encourage you to take a closer look at the childhood they are experiencing. "**The mantra 'children are resilient' is an implied admission that we are hurting them"**, states @lady_with_a_brain. And please, read Jennifer's article to understand how this is hurting them. If these masks and vaccines work, then a covered child should be completely safe around my uncovered child.

I fear for the mental problems the pandemic is creating in our younger generation.This article states "After two years of living with one disruption after another, the evidence is clear: The pandemic and the loss of normalcy are taking a tremendous toll on students, with the data on mental health being particularly alarming." BBC states that there has been a 77% rise in the number of children needing specialist treatment for severe mental health crises. Head teachers also report a huge rise in less severe mental health issues. We need to get our students back to normal life now before it's too late and removing masks now is a huge step in the right direction.

Here is another great article from the Atlantic, which is typically a liberal publication. It brought tears to my eyes. Some schools have been operating normally and have been no worse off than the schools taking the most extreme safety measures. The Catholic Diocese in this area has taken the lead and given parents a choice. I'll tell you that I've already looked into this option for my children for next year and the waitlists are impacted. Sure, there have been few immediate dropouts of angered parents who disagree with allowing a fellow student to go mask free, but the opportunity to register for the fall is almost non-existent and comes with a hefty downpayment **because they know they have what parents want: a choice.** Take the masks off the children. And if there are close contacts, regardless of vaccination status, then continue with your "Test to Stay" program. If the child is negative, let them go to school. Very simple.

I'll end with this article, referencing our state of Virginia. After listing virtually 100% survival rate of kids in the US, Anderson writes, *"Someone I know in Virginia—where incoming Governor Glenn Youngkin just overturned outgoing Governor Ralph Northam's school mask mandate - recently emailed me about his five-year-old daughter's response to masks. When his wife told their daughter that she no longer had to wear a mask in the school where her mom teaches, their daughter—who still has to wear a mask at her private preschool—replied, "But everyone will see my mouth!" One has to have an extremely impoverished view of human social interaction not to realize what is lost when people cannot see each other's faces or facial expressions, or even hear each other's voices unfiltered through a foreign object. The richness and importance of facial expressions was obvious across the centuries—to poets, scientists, and laymen alike—for generations of people not overly influenced by the narrow perspectives and myopic agendas of public-health officials."*

OVERSIGHT

Thank you,

Trisha Snelgrove

Mother of current Jamestown Kindergartener

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

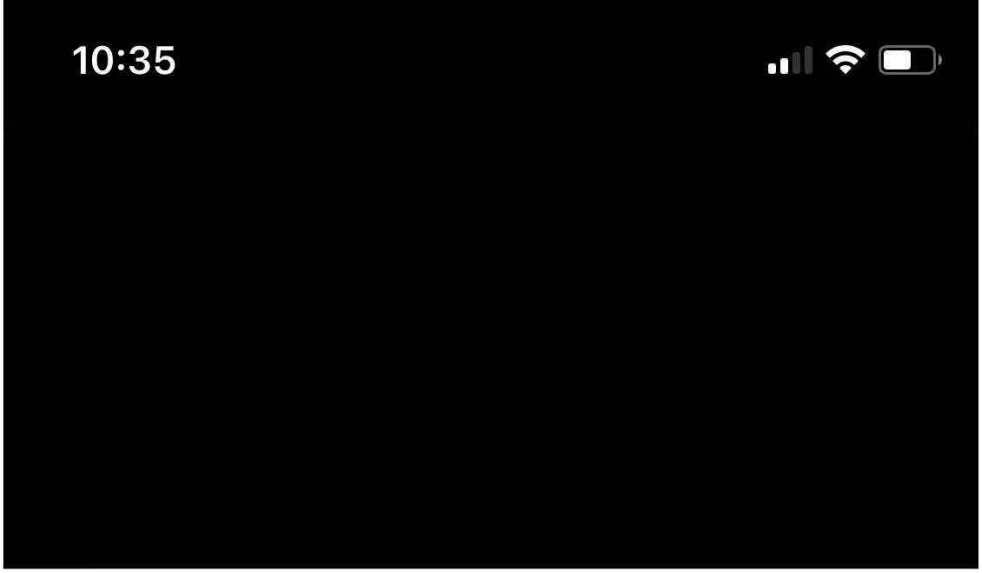
AMERICAN OVERSIGHT



@ca.childrenshealthdefense

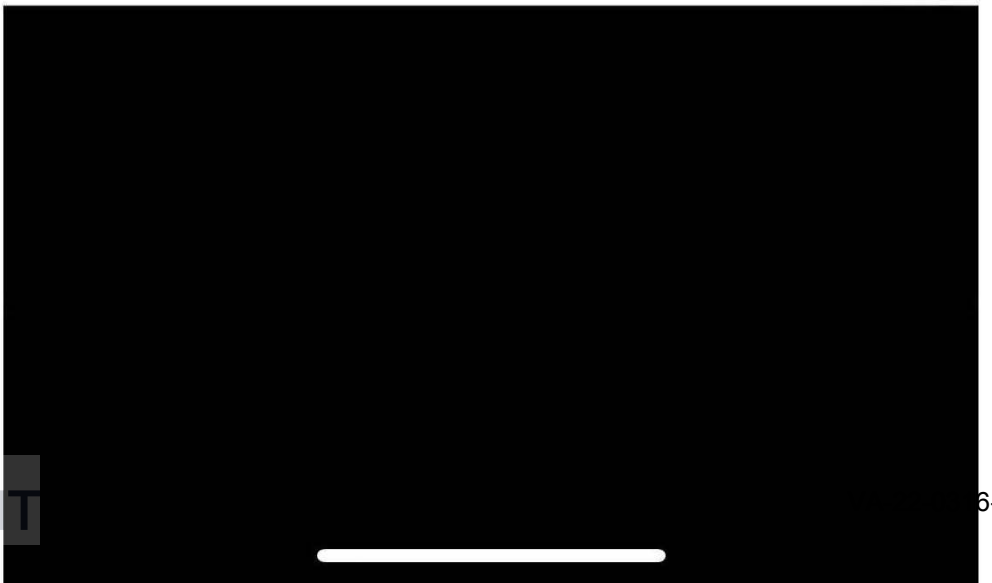
@la.schoolchildrenvoices

AMERICAN OVERSIGHT



The state is modifying mask mandates this week. However, LAUSD, masking will continue to be required at all times, indoors and outdoors. It is still required that all students wear well-fitting, non-cloth masks with a nose wire. Los Angeles Unified will continue to provide these kinds of masks to students at school sites if needed.

Throughout February, Los Angeles Unified requires weekly COVID-19 testing for all students regardless of vaccination status. All students, volunteers and staff will be required to have proof of a negative COVID-19 test in order to come onto campus with a daily pass.



AMERICAN OVERSIGHT

10:35



Christian Walker
@ChristianWalk1r

Every politician that locked businesses down, kept kids home from school, championed mask mandates, and threatened to turn off Californian's electricity.. was at the Super Bowl (over 70,000 people) today.

It's. Over.

@christianwalk1r

AMERICAN OVERSIGHT

11:42

ca.childrenshealthdefense

L.A. school district, the nation's second-largest, requires students to upgrade from cloth masks



The district says students are required to wear masks at all times on campus, including indoors and outdoors



Dan O'Donnell @DanODonne... · 38m
Los Angeles has an indoor **mask mandate**. This is the Mayor of Los Angeles, Eric Garcetti, at the **Super Bowl**. He is indoors. He is also maskless. Do not ever take these people seriously.

ca.childrenshealthdefense Once again the mayor of Los Angeles ignores his own mask mandate. So do top...

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/16/2022 10:09:34 AM
To: "Jenna Conway" <jenna.conway@doe.virginia.gov>, "Erin Carroll" <erin.carroll@doe.virginia.gov>
Cc:
Subject: Fwd: Mask Guidance

Attachments: covid-guidelines-child-care-english.pdf

Hi Jenna and Erin -

I know we've talked through this one before as it relates to EO2 but wanted to check and double check before I reply to ensure I have all of this correct and what I offer is consistent with what we're telling providers/parents. You may have already seen, but there is now legislation moving through the GA that addresses masking for school-based programs. One of the two companion bills has already passed and is pending the Gov's signature.

I intend to explain that the "school-based early childhood care and education program" does capture our school-based Virginia Preschool Initiative and Head Start classrooms, but would not apply in the private school setting. Private providers have the discretion to determine their masking policy. I am assuming that community-based VPI/mixed-delivery or Head Start providers also have the discretion to determine masking policy as well since they are not school-based and not enrolled in a public school? Is this accurate? Any other nuance we think is important to note?

Thank you!

---------- Forwarded message ---------
From: **Lynch, Jesse** <jesse.lynch@governor.virginia.gov>
Date: Wed, Feb 16, 2022 at 8:33 AM
Subject: Fwd: Mask Guidance
To: Leslie Sale <leslie.sale@doe.virginia.gov>
Cc: Travis Rickman <travis.rickman@governor.virginia.gov>

Leslie - Could you please advise on the below message

---------- Forwarded message ---------
From: **Dayle Brittain** <info@amandabatten.com>
Date: Wed, Feb 16, 2022 at 6:43 AM
Subject: Fwd: Mask Guidance
To: <jesse.lynch@governor.virginia.gov>
Cc: <travis.rickman@governor.virginia.gov>

Good morning,

I have forwarded you an email from a constituent regarding masks (he also included the VDOE Covid guidelines his school provided to the parents). He is agitated that his three-year-old must wear a mask during pre-school - he called me too. Can you confirm that HB1272 does not address a private pre-school? Does "any school-based early childhood care and education program" only apply to public pre-school? That would be the Head Start program?

I appreciate your help. I have also received calls/emails from college students and teachers who want to choose to wear a mask.

Best regards, Send

Ms. Dayle Brittain
Legislative Aide
Delegate Amanda Batten
District 96
757-741-7001
www.amandabatten.com

-------- Original Message --------

Subject: Mask Guidance
Date:2022-02-15 9:41 pm
From: Steven Lindemuth <steven.lindemuth@gmail.com>
To:info@amandabatten.com

Good Evening,

I am a father of two girls who attend the Kensington School in JCC. The school is requiring masks to be worn by all students ages 3 and up. My daughter just turned 3 and they are requiring her to wear a mask even though she hasn't been required to this far. I voiced my concerns and was told the governors executive order and SB 739 does not apply to private daycare facilities because they are accredited and licensed by the Virginia Department of Health and Virginia Department of Education which follow CDC guidelines which recommend masking. I want to be sure my daughters are not overlooked and their mother and I be the sole decision makers in their health and well being. I would be most appreciative if someone would look into this. Please contact me with an update.

Thank you,

Steven Lindemuth
571-242-0428

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

Updated COVID-19 Guidelines for Child Care Programs

February 7, 2022

This document provides updated guidelines for child care centers and family day homes. This document supersedes previous guidelines issued on October 15, 2021 by the Virginia Department of Education (VDOE).

Important Notes

- This document reflects updated guidance from the Centers for Disease Control and Prevention (CDC) and the Virginia Department of Health (VDH).
- Parents are children's first teachers and are in charge of their children's health, well-being and education.
- The VDOE strongly recommends that programs use these guidelines to mitigate the spread of COVID-19 at child care centers and family day homes. These guidelines provide discretion so programs can work closely with parents to implement practices that best meet the needs of individual programs and their families.
- Guidelines should be considered "best practice", are not mandatory, and are not subject to enforcement by the Office of Child Care Health and Safety.

The VDOE will continue to inspect regulated and licensed programs for health and safety requirements based on the Code of Virginia and in regulation (8VAC20-770 through 8VAC20-850, as appropriate). Exempt programs are subject to inspections as allowed by the Code of Virginia. Licensed and regulated programs are subject to health, sanitation, exclusion, and infection control requirements as described in the appropriate regulation, requirement, or any executive or public health orders.

Guidelines for Child Care Programs (Revised February 7, 2022)

Following public health guidance remains critically important. Child care programs are encouraged to practice multiple prevention strategies because many children in care are not yet eligible for vaccination. At the same time, the benefit of mitigation efforts must always be weighed against the cost to children's overall well-being. Here are the key guidelines for child care programs in Virginia:

Face Masks (Revised February 7, 2022)

- On January 15, 2022, Governor Youngkin issued Executive Order Number Two (2022) and Order of Public Health Emergency One that rescinded a previous executive order and health order requiring masking of children in public and private school settings. Executive

AMERICAN OVERSIGHT

Order 2 (2022) applies when children are enrolled in a school-based program or in a program sponsored by a school, school district, the Department of Education, or any other state entity.

- Child day center and family day home programs that are not attached to or part of a school are **not** subject to this Executive Order.
- Pursuant to current guidance from the CDC and VDH, VDOE recommends that all staff and children ages two and older wear masks when indoors, regardless of vaccination status, to the extent practicable.
    - For staff: mask requirements depend on vaccination status and level of community transmission of COVID-19.
    - Providers should review the Virginia Department of Labor and Industry (DOLI) standards to understand which staff are required to wear masks or face coverings.
        - Regardless of the level of community transmission of COVID-19, unvaccinated employees and "otherwise at-risk employees (because of a prior transplant or other medical condition)" must wear masks while indoors.
        - In areas of "substantial or high community transmission," vaccinated employees must wear masks while indoors.
        - Exceptions to mask requirements in the workplace (for example, when alone in office or when eating/drinking while distanced) are provided in the standards. For more information and exceptions from masking requirements, please visit the DOLI website.
    - For children: masks are strongly recommended for children ages 2 and older when indoors, including while on transportation, regardless of vaccination status.
    - Face masks should NOT be put on babies and children under age two because of the danger of suffocation. Face masks are NOT recommended for any child who is eating, drinking, sleeping, has trouble breathing, or is unable to remove the cover without assistance.

Physical Distancing and Cohorting

- Programs should facilitate physical distancing indoors while still allowing for the care and developmental needs of children. Programs should generally maintain 3 feet of distance between individuals to the extent practicable and appropriate.
- Practicing cohorting, or placing children and staff into distinct groups that stay together from day to day and limiting mixing between groups, can help limit the spread of COVID-19. To the extent practicable and appropriate, programs should try to keep groups of children together with consistent staff and maintain at least 6 feet between cohorts to limit impact in case of exposure.

AMERICAN OVERSIGHT

COVID-19 Testing and Symptomatic Individuals (Revised February 7, 2022)

- Testing staff and children can help reduce outbreaks. VDH has a testing site locator which may be helpful for providing referrals to testing. Note that at-home tests may also be purchased and provided to staff and/or families. Families can also use at- home tests with children as young as two years old; checking product labels is advised. Programs may use testing as a screening tool (i.e., testing individuals regardless of symptoms) or a diagnostic tool (i.e., testing symptomatic individuals or individuals with known close contact to a person with COVID-19). On January 14, 2022, the federal government announced that every home in the U.S. is eligible to order four (4) free at-home COVID-19 tests.
- Notify the local health department and your licensing inspector of outbreaks and report employee COVID-19 cases using VDH online reporting portal. This portal ensures case reports will meet VDH and DOLI reporting compliance.
- Encourage staff and children to stay home when sick and have a plan to isolate children or staff that display symptoms of COVID-19 or other illnesses.
- Facilities are encouraged to contact their local health department for assistance when concerned about a disease situation or when there is an outbreak.

Isolation and Quarantine (Added February 7, 2022)

- The VDH recently adopted the CDC's updated guidance for shortened isolation and quarantine periods for child care settings. Isolation and quarantine periods can be reduced to five days for staff and children who can consistently wear well-fitting masks, as long as they remain symptom free, or fever has ended and symptoms have improved. For children and staff who are unable to consistently wear a mask when around others (including all children under 2 years of age) the safest option is to continue to remain at home for 10 days, but VDH recognizes that child care providers also have to balance the importance of children's access to learning and care when implementing prevention strategies for COVID-19. The guidance can be found on the VDH website.
- Note also that all staff and children who are up to date with COVID-19 vaccines or recently recovered are NOT recommended to quarantine after an exposure if they are able to wear masks and remain symptom-free. Individuals who have not recovered from COVID-19 in the past 3 months should be encouraged to get tested at least 5 days after the close contact with someone with COVID-19.
- Template letters for COVID-19 cases, exposure, and outbreaks can be found in the following document on the VDH website as well as all guidance related to child care and camps.

Vaccinations (Revised February 7, 2022)

- Everyone ages 5 years and older is eligible to receive a free COVID-19 vaccine in Virginia. Vaccines are safe, effective and widely available. All child care staff are encouraged to get

AMERICAN OVERSIGHT

vaccinated, especially since children less than 5 years of age are not yet eligible to be vaccinated. Data shows that unvaccinated Virginians account for a majority of those hospitalized or dying from COVID-19. Visit https://www.vdh.virginia.gov/covid-19-vaccine/ for information.

- On January 26, 2022, the federal Department of Labor's Occupational Safety and Health Administration (OSHA) withdrew the COVID-19 Vaccination and Testing: Emergency Standard issued on November 5, 2021, that required all employers with 100 or more employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis. Though the emergency standard was withdrawn, OSHA is pursuing a proposed rule and continues to strongly encourage vaccination of workers.

DOLI Standards

All providers are encouraged to review the *Standards for Infectious Disease Prevention of the SARS-CoV-2 Virus that Causes COVID-19*. The DOLI website also provides training materials and other resources.

Family Access to Child Care Facilities

As a reminder, Virginia law states that parents or guardians cannot be prohibited from entering a child care facility when their child is present under Section 22.1-289.054. Providers may recommend or require parents or guardians to maintain a certain distance and/or wear masks while picking up or dropping off their children or visiting the facility.

Additional Resources for Child Care Operations

- Guidance, resources, and data on COVID-19 from VDH
- Resources for child care and camps from VDH
- CDC's COVID-19 Guidance for Operating Early Care and Education/Child Care Programs
- Local health department for guidance on specific situations and/or how to respond to a confirmed case of COVID-19
- Free print and digital resources on CDC's communications resources main page

Programs should contact their assigned licensing inspector or the Office of Child Care Health and Safety in their region with questions.

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/2/2022 8:09:00 PM
To: "David Eshelman" <david.eshelman@doe.virginia.gov>
Cc:
Subject: Fwd: Nondiscrimination Clause - 2022 Publications

Attachments: Acknowledgments and Copyright CSAT 2022.dotx

Hey Dave -

Thanks for sending! Do you mind if I give you a call on this next week (once there is a lull in session)? Would that delay you too much?

Thank you!

---------- Forwarded message ---------
From: **Eshelman, David** <David.Eshelman@doe.virginia.gov>
Date: Tue, Feb 1, 2022 at 1:23 PM
Subject: Fwd: Nondiscrimination Clause - 2022 Publications
To: Sale, Leslie <leslie.sale@doe.virginia.gov>

Leslie,

I told our staff that I would share this question with policy for guidance. Can you tell me how to proceed regarding a nondiscrimination clause?

David

Kind regards,

Dr. David S. Eshelman



Dr. David S. Eshelman
Director, Office of Career, Technical, and Adult Education

Virginia Department of Education 804-225-2051
david.eshelman@doe.virginia.gov
101 N. 14th Street Richmond, Virginia 23219
doe.virginia.gov/instruction/career_technical/index.shtml

>__Check out my Blog

Subscribe for free: Virginia CTE Newsletter

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

VIRGINIA DEPARTMENT ♥F EDUCATION

---------- Forwarded message ---------
From: **Averill Byrd** <abyrd@c.ereso.org>
Date: Tue, Feb 1, 2022 at 11:37 AM
Subject: Nondiscrimination Clause - 2022 Publications
To: David Eshelman <David.Eshelman@doe.virginia.gov>, Williams, James Anthony (DOE) <Anthony.Williams@doe.virginia.gov>
Cc: Kevin Reilly <kreilly@c.ereso.org>, Nathan Pope <npope@c.ereso.org>, Heather Widener <hwidener@c.ereso.org>, Debi Coleman <dcoleman@c.ereso.org>, Leanne Tipton <ltipton@c.ereso.org>

Good morning, David and Anthony,

Our team was updating the copyright section of our courses to prepare for publication this summer. A draft is attached for your review—in particular, we have highlighted the VDOE nondiscrimination policy in the very last section.

It previously cited an Executive Order by Gov. Ralph Northam, which we have marked as deleted in the draft. I tried looking for an update, but the VDOE website has an even older reference; Gov. Youngkin did not sign a similar EO when he took office. If a similar statement is required by federal law, please advise.

Our team will apply the changes to our 2022 publications when we hear back from your office.

Thank you,

Averill

--

Averill P. Byrd
Writer/Editor
CTE Resource Center
2002 Bremo Road, Lower Level
Henrico, VA 23226
(804) 673-3778 ext. 87104
Web | Facebook | Twitter

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Email Header:

```
MIME-Version:  1.0
Date:  Wed, 2 Feb 2022 14:59:00 -0500
Message-ID:  <CAAcxiSY_V5GVFz3yMzDe0Wxyr2mdXL=2+8VpppPh7ySopqVQ0Q@mail.gmail.com>
Content-Type: multipart/mixed;
  boundary="------------010103080903050409080106"
X-Priority: Normal
From 1723682721024202414-976f4166-7990-465f-9ba3-1cf5b5767666.mbox@xxx Wed Feb 02 07: 59:00 2022
References:  <CAAcYvGTvLnR_kTSZsx=AY+15W_kpJjL17XkLFaV8iJ+1DecPoA@mail.gmail.com> <CAA25VBrqMxzo4pgCX7mXp94s5M-cRiT4c4zo0kFVwTc1H8EVxg@mail.gmail.com>
In-Reply-To:  <CAA25VBrqMxzo4pgCX7mXp94s5M-cRiT4c4zo0kFVwTc1H8EVxg@mail.gmail.com>
To: "David Eshelman" <david.eshelman@doe.virginia.gov>
From: "Sale, Leslie" <leslie.sale@doe.virginia.gov>
CKX-Bounce-Address: leslie.sale@doe.virginia.gov
Subject: Fwd: Nondiscrimination Clause - 2022 Publications
```

AMERICAN OVERSIGHT

(SAMPLE) Acknowledgments and Copyright Information

Course Title (XXXX)

Copyright © 2022

The components of this instructional framework were developed by the following curriculum development panelists:

- Name, Job Title, Company, City
- Teacher name, Instructor, School, Division

Correlations to the Virginia Standards of Learning were reviewed and updated by the following:

- Leslie R. Bowers, English Teacher (ret.), Newport News Public Schools
- Vickie L. Inge, Mathematics Committee Member, Virginia Mathematics and Science Coalition
- Anne F. Markwith, New Teacher Mentor (Science), Gloucester County Public Schools
- Michael L. Nagy, Social Studies Department Chair, Rustburg High School, Campbell County Public Schools

Name, CTSO State Specialist, reviewed and updated the CTSO correlations.

The framework was edited and produced by the CTE Resource Center:

- Name, Writer/Editor
- Kevin P. Reilly, Administrative Coordinator

Virginia Department of Education Staff

Name, Specialist, Program Area and Related Clusters
Dr. J. Anthony Williams, Curriculum and Instruction Coordinator
Dr. David S. Eshelman, Director
Office of Career, Technical, and Adult Education
Virginia Department of Education

AMERICAN OVERSIGHT

Virginia Department of Education
P.O. Box 2120
Richmond, VA 23218-2120

CTE Resource Center
2002 Bremo Road, Lower Level
Richmond, VA 23226
Phone: (804)673-3778
Fax: (804)673-3798
http://www.CTEresource.org

The Center is a grant project of the Virginia Department of Education, Office of Career, Technical, and Adult Education, and is administered by Henrico County Public Schools, Department of Career and Technical Education.

The Virginia Department of Education does not discriminate on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation, or against otherwise qualified persons with disabilities. The policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans. The following position has been designated to handle inquiries regarding the Department's non-discrimination policies:

Deputy Superintendent - Finance and Operations
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218-2120
Phone: 804-225-2025

For further information on federal non-discrimination regulations, contact the Office for Civil Rights at OCR.DC@ed.gov or call 1-800-421-3481.

~~See also Governor Ralph Northam's Executive Order 1 (EO-1, 2018) which specifically prohibits discrimination on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, political affiliation, or against otherwise qualified persons with disabilities. The policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans. The activity that is the subject of this report was supported in whole or in part by the U.S. Department of Education. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Education, and no official endorsement by the U.S. Department of Education should be inferred.~~

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 1/15/2022 9:37:32 AM
To: "Leslie Sale" <leslie.sale@doe.virginia.gov>
Cc:
Subject:
Attachments: 2022 General Assembly Tracking-011422.xlsx ,legislative-report-boe-011422.docx

---

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

	A	B	C	D	E
1	Owner	LAS Type	GOV Position	Bill No.	Patron
2	RA	Primary		HB0004	Wyatt
3	RA	Primary		HB0008	Anderson
4	EC	Primary		HB0009	Ware
5	RW	Primary		HB0012	Anderson
6	RW	Primary		HB0018	Fowler
7	RA	Comment		HB0022	Walker
8	EC	Comment		HB0027	Anderson
9	RA	Primary		HB0037	Anderson
10	DEC	Primary		HB0041	Scott
11	RA	Primary		HB0059	McGuire III
12		Monitor		HB0087	Ware
13	RA	Primary		HB0089	Walker
14	RW	Primary		HB0113	March
15	LW	Primary		HB0127	Davis

AMERICAN OVERSIGHT

	F	G
1	Summary	Notes
2	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to HB59, SB2, and SB36
3	School security officers; scope of employment; certain veterans. Provides that each school security officer, in addition to performing each enumerated duty, is responsible for carrying out any other duty assigned to him by the local school board. The bill permits any local school board or private or religious school to employ as a school security officer any veteran who has served a minimum of 10 years as an active duty member in the Armed Forces of the United States, received an honorable discharge or general discharge under honorable conditions from such service, and meets the Department of Criminal Justice Services' minimum certification and training requirements for school security officers.	
4	Public school teachers; probationary term of service, grounds for dismissal, and dismissal hearings. Permits each school board to extend for up to two additional years the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing.	Companion to SB178 (Peake)
5	Public school buildings; entry points; limits; screening. Requires each local school board to (i) limit to the lowest feasible number the entry points in each public school building in the local school division, (ii) ensure that each individual who seeks to enter any school building in the local school division is screened with a handheld metal detector wand by a school security officer or another appropriate school board employee who is appropriately trained in such method of screening, (iii) require each such school security officer or other appropriate school board employee to implement further screening according to a protocol that it deems appropriate in any case in which the school board employee who conducts the initial screening has reason to believe that the individual who seeks to enter the school building is in possession of a weapon, and (iv) prohibit any individual from entering any school building in the local school division if the individual fails or refuses to submit to the screening required in clauses (ii) and (iii).	
6	Appointed school board members; salaries. Permits any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in relevant law or as provided by charter, with certain exceptions and conditions. Current law sets a specific maximum dollar amount for the salary of members of each such appointed school board.	Similar legislation in recent sessions.
7	Fundamental right to be free from medical mandates. Declares that, except as otherwise provided by law, each adult has a fundamental right to be free from medical mandates of the Commonwealth or any locality, private employer, health care entity or provider, or provider of public accommodations. The bill defines "medical mandate" as any affirmative requirement by the Commonwealth or any locality, private employer, health care entity or provider, or provider of public accommodations for an individual to undergo or participate in a health-related test, procedure, tracking or monitoring program, or bodily insertion or injection of any drug or the wearing of any medical equipment or apparel. The bill provides that it shall be no less a medical mandate for such entities to condition an individual's receipt of otherwise ordinary services, benefits, or employment upon the performance or acquiescence of undergoing or participating in a health-related test, procedure, tracking or monitoring program, or bodily insertion or injection of any drug or the wearing of any medical equipment or apparel. The bill sets out exceptions, including protocols in health care facilities and food handling operations and valid orders of quarantine or isolation.	
8	COVID-19 vaccination status; mandatory COVID-19 vaccination prohibited; discrimination prohibited. Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status with regard to education or public employment and in numerous other contexts.	Feedback provided by Sam on 1/7/22
9	School boards; school resource officers; employment; threat assessment. Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public middle and high school in the local school division and at least one school resource officer per five public elementary schools in the local school division, who is required to serve in each such elementary school on a rotating basis. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school.	
10	Early childhood care and education; publicly funded providers; assessment of children. Provides that, except as otherwise required by federal law, no child who is enrolled at a publicly funded provider shall be required to participate in the Virginia Kindergarten Readiness Program or any other program for the assessment of the child's cognitive ability, development, learning, or readiness for kindergarten.	
11	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to HB4, SB2 and SB36
12	Virginia Pandemic Response and Preparedness Council; report; sunset. Establishes the Virginia Pandemic Response and Preparedness Council to examine existing laws in the Commonwealth and develop recommendations regarding the pandemic response and future needs of the Governor, the General Assembly, local governments, public and private health care systems, health districts, the judicial system, K-12 and higher education systems, and the business regulatory system. The bill requires the Council to submit an annual report to the Governor and the General Assembly. The bill has an expiration date of July 1, 2024.	
13	Disorderly conduct in public places.	
14	Public school buses; decals; "In God We Trust" and "One Nation Under God." Permits local school boards, notwithstanding any regulation to the contrary, to display on the sides and rear of public school buses decals containing the motto "In God We Trust" or the phrase "One Nation Under God", provided that no such decal obstructs the name of the school division or the number of the school bus.	Similar to legislation in past sessions (2019?)
15	Academic year Governor's Schools; certain practices prohibited and permitted. Prohibits any academic year Governor's School or governing board member, director, administrator, or employee thereof from (i) discriminating against or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin; (ii) engaging in proxy discrimination, as defined in the bill, in student admissions; or (iii) seeking information on students' race, sex, color, ethnicity, or national origin during the application process for admission to such school unless expressly required by federal law, and to the extent it is required by federal law, the bill requires such information to be withheld to the maximum extent practicable from any individual involved in admissions decisions to the end that admissions decisions are blind as to the applicants' race, sex, color, ethnicity, and national origin. The bill permits any academic year Governor's School or governing board member, director, administrator, or employee thereof to use traditional academic success factors, as defined in the bill, in student admissions and provides that such use presumptively does not constitute proxy discrimination. The bill also contains provisions relating to evidentiary burdens of proof in certain causes of action involving such proxy discrimination or traditional academic success factors.	

AMERICAN OVERSIGHT

	H	I	J
1	FIS	Added	Assigned
2		12/6/2021	1/6/2022
3		12/21/2021	
4		12/21/2021	1/7/2022
5		12/21/2021	1/6/2022
6		12/27/2021	1/6/2022
7		1/5/2022	
8		12/31/2021	
9		1/3/2022	1/6/2022
10		1/3/2021	1/6/2022
11		1/4/2022	1/7/2022
12		1/8/2022	
13		1/8/2022	1/9/2022
14		1/8/2022	1/9/2022
15		1/8/2022	1/9/2022

AMERICAN OVERSIGHT

	A	B	C	D	E
16	EC	Comment		HB0128	Davis
17	DEC	Comment		HB0133	Cherry
18	RA	Comment		HB0159	Byron
19	EC	Primary		HB0197	Webert
20	LR	Primary		HB0201	Webert
21	RA	Primary		HB0215	Robinson
22	RW	Primary		HB0217	Simonds
23	JC	Primary		HB0221	Davis
24	EC	Primary		HB0230	Coyner
25	EC	Primary		HB0236	Orrock
26	LR	Primary		HB0246	Kilgore

AMERICAN OVERSIGHT

	F	G
16	Virginia Diverse Educator Scholarship Fund and Program established. Establishes the Virginia Diverse Educator Scholarship Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of annually providing to each Historically Black College or University in the Commonwealth (defined in the bill as Hampton University, Norfolk State University, Virginia State University, and Virginia Union University) such sums as are necessary for each such institution to annually provide renewable scholarships on a competitive basis to two students who (i) attended a a public elementary or secondary school in the Commonwealth in which at least 75 percent of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services; (ii) are accepted to or enrolled in such institution's education preparation program; and (iii) are eligible for a federal Pell Grant to attend such institution. The bill provides that each such scholarship would consist of the following sums: (a) the cost of tuition, mandatory fees, room and board, and textbooks at such institution; (b) the recipient's teacher licensure fees; (c) $5,000 toward teacher professional development activities for the recipient, including coursework, seminars, and conferences; and (d) $10,000 toward mentorship of the recipient by a master teacher, defined as an experienced public elementary or secondary school teacher who is deemed by the relevant school board to be highly effective and able to provide high quality mentorship. The bill requires each student who is awarded a scholarship pursuant to the Program to agree in writing to (1) teach in a public elementary or secondary school in the Commonwealth in which at least 75 percent of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services upon graduation for a period that is at least as long as the period during which the recipient used scholarship funds to attend a Historically Black College or University and (2) be mentored by a master teacher during such period of employment.	
17	Possession of firearms or other weapons on school property. Removes preschools and licensed child day centers that are not operated at the residence of the provider or of any of the children from the list of schools where possessing a firearm or other weapon on school property or on a school bus is prohibited.	VSP lead, but still want to comment
18	Emergency custody and temporary detention orders; custody. Requires a facility or location to which a minor or adult who is subject to an emergency custody or temporary detention order is transported to accept custody of the minor or adult upon completion of transportation and arrival of the minor or adult at the facility and specifies that the primary law-enforcement agency shall provide transportation of a person who is involved in the involuntary commitment process, rather than a sheriff, as provided under current law .	Check with SESS to see if this impacts SOPs in detention or mental health facilities and if so, it requires a comment
19	Public elementary and middle schools; student growth assessments; alternatives. Permits any school board to utilize the NWEA MAP Growth assessment program as an alternative to the through-year growth assessment system established by the Board of Education for the administration of reading and mathematics assessments in grades three through eight, provided that such program is aligned to the Standards of Learning.	
20	In-person instruction; education vouchers; emergency. Requires, in the event that any school board does not provide the option of in-person instruction as the sole method of instruction for any enrolled student, the parent of any such student who withdraws his child from attendance to receive, upon request, an education voucher in an amount equal to a prorated share of the applicable Standards of Quality per-pupil state funds appropriated for public school purposes and apportioned to the school division, including the per-pupil share of state sales tax funding in basic aid and any state per-pupil share of special education funding for which the child is eligible, to cover the expenses of providing in-person instruction in an alternative setting. The bill permits the Department of Education to establish rules, regulations, or procedures for the issuance of such education vouchers. The bill contains an emergency clause.	
21	School Health Advisory Board. Establishes the School Health Advisory Board in the executive branch to advise the General Assembly and the Governor on pending or proposed legislation concerning the role of employees in public elementary or secondary schools in providing health care services at such schools and provide guidance on any associated training requirements.	Similar to SB62 (Favola)?
22	Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board; STEM and Computing (STEM+C); review federal occupational categories; report. Requires the Virginia STEM Education Advisory Board (the Board) to (i) review the occupational categories in the U.S. Bureau of Labor Statistics' standard occupational classification system to determine the occupational categories that are not properly captured in the Commonwealth's existing STEM+C workforce profile and the gaps in the Commonwealth's tracking of careers in these occupational categories for the purpose of better aligning K%9616 education priorities and the Board's tracking and coordination of STEM+C and (ii) share its findings with the Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment (the Office) to include in the Office's efforts to specifically align STEM+C workforce and education. The bill requires the Board, in conducting such review, to focus on occupational categories such as advanced manufacturing, agriculture, financial systems, health care, military, and K%9616 education careers that are not currently tracked or categorized by the U.S. Bureau of Labor Statistics as STEM+C career fields. The bill also requires the Board to submit its findings and any recommendations to the General Assembly no later than October 1, 2022.	
23	STEM+C; Virginia STEM Education Advisory Board. Adds science, technology, engineering, mathematics and computing (STEM+C), which includes real-world, interdisciplinary, and computational instruction and preparation of students in STEM+C, to the list of topics that shall be included in the Standards of Learning for the Commonwealth. The bill also directs the Virginia STEM Education Advisory Board to develop and submit to the Board of Education (i) a rubric that shall be used by the Board of Education in setting out what factors permit a school to be defined as a STEM school and (ii) recommendations for the Board to create a measurement for quality of STEM programming in general education instruction. The bill also directs the Virginia STEM Education Advisory Board to draft and report to the Department of Education proposed common language and terminology that better defines the basic literacies employed in STEM+C as methodological approaches to solving universal human challenges and, as essential, generalizable and transferable literacy toward the application of skills and content needed to solve those challenges. The bill also directs the Department of Education, based on such proposed language and terminology and no later than December 1, 2022, to recommend finalized language and terminology to the Board of Education.	
24	Applications for teacher licensure by reciprocity; military spouses; timeline for determination. Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet.	Companion to SB154 (Locke)
25	Board of Education; authority to temporarily extend certain teachers' licenses. Permits the Board of Education to grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its statutory authority whose license expires on June 30, 2022, in order to provide the individual with sufficient additional time to complete the requirements for licensure renewal.	Similar to HB1776 (2021)
26	School attendance; 4-H educational programs and activities. Provides that students who miss a partial or full day of school while participating in 4-H educational programs and activities shall not be counted as absent for the purposes of calculating average daily membership and shall receive course credit in the same manner as they would for a school field trip. The bill directs each local school board to develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs and activities to not be counted absent.	

AMERICAN OVERSIGHT

	H	I	J
16		1/8/2022	
17		1/8/2022	
18		1/12/2022	
19		1/11/2022	1/11/2022
20		1/11/2022	1/11/2022
21		1/12/2022	
22		1/12/2022	1/12/2022
23		1/11/2022	1/12/2022
24		1/11/2022	1/12/2022
25		1/11/2022	1/12/2022
26		1/11/2022	1/12/2022

AMERICAN OVERSIGHT

	A	B	C	D	E
27	RW	Primary		HB0251	Simonds
28	RW	Primary		HB0252	Simonds
29	RW	Primary		HB0253	Simonds
30	RW	Primary		HB0254	Simonds
31	EC	Primary		HB0271	Byron
32	RW	Primary		HB0293	Frietas
33	JC	Primary		HB0294	Frietas
34		Monitor		HB0306	Frietas
35	RA	Primary		HB0308	Ransone
36	EC	Primary		HB0313	Krizek

AMERICAN OVERSIGHT

	F	G
27	School boards and local governing bodies; unexpended local funds; school maintenance, renovation, and construction. Encourages each school board to enter into a collaborative agreement with the local governing body to set aside in a separate fund any sums appropriated to the school board by the local governing body that are unexpended by the school board in any year in order to use such sums to finance school maintenance, renovation, or construction in the local school division. The bill declares any school board that fails to enter into such a collaborative agreement ineligible to participate in any state grant, loan, or bond program that supports school maintenance, renovation, or construction. This bill is a recommendation of the Commission on School Construction and Modernization.	
28	Department of Education; school division maintenance reserve tool. Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill requires the Department of Education to consider converting or using as a template the Department of General Services' M-R FIX tool to meet the above requirement to maintain such a tool. This bill is a recommendation of the Commission on School Construction and Modernization.	
29	Literary Fund; loans; application process; maximum loan amounts; rates of interest; closing costs; waiting lists. Makes several changes to the provisions relating to loans from the Literary Fund to finance the construction and renovation of public elementary and secondary school buildings in the Commonwealth. The bill requires the Board of Education (the Board) to establish an annual open application process for Literary Fund loans to occur during the period that the Board deems most suitable. The bill increases from $7.5 million to $25 million the maximum Literary Fund loan amount and permits the Board to increase such maximum to up to $35 million for loans for any school construction or renovation project that facilitates the consolidation of schools. The bill requires the Board to fix the interest rate on all loans made from the Literary Fund at not less than one percent per year, not more than three percent per year, and at increments of one half of one percent per year between such minimum and maximum rates, payable annually, and to utilize a sliding scale based on the local school division's composite index of local ability to pay to determine the interest rate on each such loan. Under current law, such rates are required to be set between two and six percent per year. The bill requires the Board to establish a competitive program for the award of up to $25,000 to a school division that receives a Literary Fund loan for the purpose of subsidizing all or a portion of the closing costs for such loan. The bill also permits the Board to remove any project that has been inactive for at least five years from any Literary Fund loan project waiting list that it maintains. This bill is a recommendation of the Commission on School Construction and Modernization.	
30	Department of Education; School Construction Fund and Program; Gaming Proceeds Fund revenues. Establishes the School Construction Fund as a special nonreverting fund in the state treasury and requires the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities. The bill provides that three percent of any fiscal year's budget surplus shall be appropriated to the School Construction Fund and Program. The bill also provides that any remaining revenues not appropriated by the Gaming Proceeds Fund shall be appropriated to the School Construction Fund and Program. Under current law, any remaining revenues in the Gaming Proceeds Fund not appropriated remain in the Fund until appropriated by the General Assembly for programs established to address public school construction, renovations, or upgrades.	
31	Local school boards and comprehensive community colleges; compensation structure for adjunct instructors; noncredit workforce credentials. Requires local school boards and comprehensive communities colleges to enter into local or regional agreements for the establishment and implementation of a competitive compensation structure to recruit and retain adjunct instructors to be jointly compensated by the relevant school boards and colleges to prepare both high school students and college students to earn noncredit workforce credentials, as that term is defined in relevant law.	
32	Education Savings Account Program; establishment. Establishes the Education Savings Account Program (the Program), to be administered by the Department of Education (the Department) with assistance from each local school board, whereby the parent of any elementary or secondary school student who (i) is a member of a household whose annual income does not exceed two times the annual household income that would qualify the student for free or reduced-price lunch and (ii) was eligible to attend a public school in the Commonwealth in the preceding semester or is starting elementary or secondary school in the Commonwealth for the first time is eligible to receive an education savings account, for as long as the student is of school age and the amount of which is determined pursuant to a calculation set forth in the bill, to cover certain enumerated educational expenses for his child. The bill requires the Department to establish rules and regulations for the Program and contains conditions, limitations, and other requirements for the Program, including provisions relating to the accountability and educational autonomy of individuals and entities receiving account funds to cover qualified expenses.	
33	Education improvement scholarship tax credits; eligible students in need of a safer school environment. Declares eligible for a scholarship from a scholarship foundation that receives an education improvement scholarship tax credit, on the same basis as any other eligible student, eligible students in need of a safer school environment, defined in the bill as any student who, while enrolled in a public elementary or secondary school in kindergarten through grade 12, was the victim of assault, battery, bullying, harassment, hazing, kidnapping, or robbery on school property, on a school bus, or at a school-sponsored activity, as substantiated by an investigation and written report by the school principal. The bill provides that (i) eligible students in need of a safer school environment are permitted to use such scholarships to cover the expenses associated with attending another public school within or outside of his school division of residence and (ii) there are no family income restrictions on scholarships for eligible students in need of a safer school environment.	
34	Immunizations; authority of the Commissioner of Health; religious exception. Exempts a person, including a parent or guardian on behalf of a child, who objects to administration of a vaccine on religious grounds from mandatory immunization requirements during an epidemic. Currently, exemption from mandatory immunization requirements during an epidemic is available only to those persons to whose health the administration of the vaccine would be detrimental, as certified in writing by a licensed physician.	
35	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to multiple other bills
36	Public school buses; seat belts. Requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2040, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.	

AMERICAN OVERSIGHT

VA-22-0316-A-000642

	H	I	J
27		1/11/2022	1/12/2022
28		1/11/2022	1/12/2022
29		1/11/2022	1/12/2022
30		1/11/2022	1/12/2022
31		1/11/2022	1/12/2022
32		1/12/2022	1/13/2022
33		1/12/2022	1/13/2022
34		1/12/2022	
35		1/12/2022	1/13/2022
36		1/12/2022	1/13/2022

AMERICAN OVERSIGHT

	A	B	C	D	E
37	LW	Primary		HB0319	Coyner
38	RW	Primary		HB0333	Frietas
39		Monitor		HB0335	Frietas
40		Monitor		HB0336	Frietas
41		Monitor		HB0337	Frietas
42	JC	Primary		HB0340	Davis
43		Monitor		HB0341	Frietas
44		Monitor		HB0343	Subramanyam
45	JC	Primary		HB0344	Davis
46	RA	Primary		HB0346	Davis
47	JC	Primary		HB0356	Tata
48	EC	Primary		HB0362	Subramanyam

AMERICAN OVERSIGHT

	F	G
37	Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research. Makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking initial licensure with an endorsement in a certain area, including as a reading specialist, to demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the bill; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each school board to establish a divisionwide literacy plan; and (iv) each local school board to provide a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024–2025 school year.	
38	Public education; student education accounts. Permits any school board to establish a program to create savings accounts for students to be used for alternative educational programs. The bill requires the Department of Education to establish policies and procedures under which the parent of each student may use such funds on public or private educational programs.	
39	Public employees; independent bargaining. Permits independent bargaining by public employees who are employed by a county, city, or town that has adopted an ordinance or resolution providing for collective bargaining by public employees. The bill prevents agreements between employee associations and employers from applying to employees who are not members of the association and states that there shall be only one designated bargaining representative for each collective bargaining unit in a county, city, or town that has adopted an ordinance or resolution providing for collective bargaining by public employees.	
40	Public employees; bargaining representative certification. Provides that, in a locality that has authorized collective bargaining by ordinance or resolution, a bargaining representative must be selected for each collective bargaining unit determined to be appropriate by the governing body of the locality. The bill provides that for a bargaining representative to be certified as an exclusive representative, at least 51 percent of the public employees in a collective bargaining unit must vote for certification of the bargaining representative through a secret ballot election conducted by the governing body of the locality. Preexisting bargaining representatives must also be certified by a vote of 51 percent of the affected collective bargaining unit.	
41	Public employees; compensation for union activities. Prohibits any employer of public employees authorized to engage in collective bargaining from entering into a collective bargaining agreement to compensate any public employee or third party for an employee organization's or union's activities. Further, if a union's activities infringe on an employer's time and resources, the union must compensate the employer at a fair market value rate. The bill provides for enforcement by the Attorney General and creates a cause of action for public employees to remedy potential violations. The provisions of the bill preempt inconsistent local laws and regulations.	
42	Board of Education; high school graduation; alternative pathways to the advanced studies diploma; associated diploma seals. Directs the Board of Education to establish pathways to the advanced studies high school diploma, and associated diploma seals for students who successfully follow and demonstrate excellence on such pathways, that require advanced coursework in career and technical education in lieu of world language courses or any other required course that the Board deems appropriate. The bill requires such pathways and diploma seals to become effective for the 2023-2024 school year and to be available to any student, regardless of the school year during which the student enters ninth grade.	
43	Public employees; labor union dues deduction authorization. Requires consent by public employees authorized to engage in collective bargaining before union or employee association dues are deducted from the employees' pay directly by their employers. The bill allows public employees to stop paying union or employee association dues at any time and gives public employees an annual opportunity to reconfirm that they want to continue union or employee association membership and pay such dues. The bill provides that if an employee does not reconfirm then the dues deduction must cease.	
44	Barrier crimes; removing offenses involving possession, use, manufacturing, etc., of controlled substances. Removes nonviolent offenses involving the possession, use, manufacturing, distributing, selling, etc., of controlled substances from the list of crimes that constitute a barrier to employment.	
45	Public charter schools; applications; review and approval. Permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions.	
46	College partnership laboratory schools; application and establishment. Permits any public institution of higher education, private institution of higher education, or private business to apply to the Board of Education (the Board) to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school and no explicit provision is made for the conversion of an existing school. The bill requires the Board, in reviewing such applications, to give substantial preference to any application from a historically black college or university and any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board.	
47	Public schools; regional charter school divisions. Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school.	
48	Department of Education; local school boards; instruction on climate change. Requires the Department of Education, in collaboration with environmental groups and other relevant state agencies such as the Department of Environmental Quality and the Department of Health and to assist local school boards in the implementation of programs of instruction that comply with the requirements relating to the Standards of Learning, specifically relating to citizenship and environmental issues and geography necessary for responsible participation in American society and the international community, to develop, no later than July 1, 2023, an interdisciplinary program of instruction on the causes of and potential solutions for climate change. The bill requires each local school board to incorporate, during the 2024%962025 school year, such program of instruction into curricula and instruction in the local school division in each core academic subject area at the grade levels that it deems most appropriate. The bill requires the Department of Education to implement and oversee a one-year pilot program to provide training and technical assistance to a diverse cross section of local school boards to implement such program of instruction in the local school division during the intervening 2023%962024 school year between the development and full local implementation of such program of instruction.	

AMERICAN OVERSIGHT

	H	I	J
37		1/12/2022	1/13/2022
38		1/12/2022	1/13/2022
39		1/12/2022	
40		1/12/2022	
41		1/12/2022	
42		1/12/2022	1/13/2022
43		1/12/2022	
44		1/12/2022	
45		1/12/2022	1/13/2022
46		1/12/2022	
47		1/12/2022	1/13/2022
48		1/12/2022	1/13/2022

AMERICAN OVERSIGHT

	A	B	C	D	E
49	EC	Primary		HB0363	Frietas
50	JC	Primary		HB0371	Convirs-Fowler
51		Monitor		HB0384	Davis
52	DEC	Primary		HB0389	Bulova
53	RW	Primary		HB0391	Frietas
54	EC	Primary		HB0418	Delaney
55	EC	Comment		HB0419	Delaney
56	RA	Comment		HB0427	Herring
57	EC	Primary		HB0433	Bulova
58	LR	Primary		HB0440	VanValkenburg
59		Monitor		HB0447	Rasoul
60	RW	Primary		HB0452	Bennett-Parker
61	LW	Primary		HB0486	Subramanyam
62		Monitor		HB0510	March

AMERICAN OVERSIGHT

	F	G
49	Certain school board employees; dismissal; grounds; continuing contract study; report. Prohibits school board employees who are not required to hold a valid license issued by the Board of Education and public school teachers from being dismissed based on a last-hired, first-fired dismissal policy or any other similar policy that mandates that, when considering more than one such employee for dismissal, the seniority of each such employee shall be the sole determinative factor in the dismissal decision. The bill also requires the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health, in consultation with local school boards, to study and make recommendations to the General Assembly no later than November 1, 2022, regarding effective, alternative ways in which the performance of teachers may be evaluated for the purpose of awarding or rescinding continuing contract status.	
50	Licensed school board employees; cultural competency training; bullying of Asian American and Pacific Islander students. Requires the Board of Education's guidance on cultural competency training for licensed school board employees to include a model curriculum for cultural competency training relating to the bullying of Asian American and Pacific Islander students and requires such model curriculum to be incorporated into the biennial cultural competency training required for licensed school board employees.	
51	Administration of government; rights of state and local employees; freedoms of conscience and expression. Protects state and local government employees from being required to take actions incompatible with their deeply held beliefs, values, or conscience or from being penalized for expressing opinions in opposition to or approval of official government policy.	LS needs to determine whether to comment
52	Early childhood care and education; regional entities; Child Care Subsidy Program Overpayment Fund established. Requires the Board of Education to establish a system of regional entities that will be responsible for coordinating early childhood care and education services, guiding quality improvement of such services and coordinated access to such services for families, and implementing the uniform measurement and improvement system. The bill establishes the Child Care Subsidy Program Overpayment Fund, consisting of all overpayment moneys collected or recovered by the Department of Education or any state or local agency contracted to administer the Child Care Subsidy Program, net of any refunds due to the federal government, to be used solely for the purpose of covering the cost of providing training and supports to early childhood care and education entities.	Agency bill
53	Certain school board property; establishment of gun-free zone permitted. Removes the authority of any school board to deem any non-school zone building or property that it owns or leases where employees of such school board are regularly present for the purpose of performing their official duties as a gun-free zone. Under current law, any school board may prohibit any individual, subject to exceptions, from knowingly possessing, purchasing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property.	
54	Public elementary and secondary education; at-risk add-on funds; Reading Recovery. Removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.	
55	Institutions of higher education; education preparation programs; coursework; audit. Requires each education preparation program offered by a public institution of higher education or private institution of higher education that provides training for any student seeking initial licensure by the Department of Education to (i) include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction and require such program of coursework and the student mastery required to be demonstrated therein to be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent literacy experts and stakeholders with knowledge of science-based reading research and evidence-based literacy instruction that has reviewed the relevant regulations and (ii) for any such student seeking initial licensure by the Department of Education as a teacher with an endorsement in early childhood, elementary education, or special education or with an endorsement as a reading specialist ensure that reading course work and field practice opportunities are a significant focus of the education preparation program. The bill requires the Department of Education to audit at least once every five years each education preparation program for compliance with such requirements.	
56	Children's Services Act; community policy and management teams and family assessment and planning teams; parent representative. Provides that the parent representative member of the community policy and management team and the family assessment and planning team shall be a caregiver of a child who has previously received child welfare, juvenile justice, special education, or behavioral health services, including a foster parent. The bill also eliminates the prohibition on allowing a person who is employed by a public or private program that receives Children's Services Act funds or that is represented on the community policy and management team or the family assessment and planning team who interacts directly with children on a regular basis or supervises employees who do to serve as the parent representative.	
57	Certain Standards of Learning assessments; method of administration. Requires (i) the reading and mathematics Standards of Learning assessments in grades three through eight and the science assessments administered to students in grade five and after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight to be traditional achievement tests and (ii) the Virginia Studies and Civics and Economics assessments to be performance based and to measure the test taker's ability to apply the skills and knowledge learned in the class. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also requires the Department of Education, with such funds as may be appropriated for such purpose pursuant to the general appropriation act, to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and align with the Department's Virginia Quality Criteria Review Tool for Performance Assessments.	
58	School boards; teachers; planning time and planning periods. Requires each local school board to ensure that each elementary school teacher is provided an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day, which shall be at least 45 minutes or one class period, whichever is longer. The bill permits local school boards and teachers to enter into an appropriate contractual arrangement providing for compensation in lieu of such planning time or period. Under current law, public elementary school teachers are guaranteed at least an average of 30 minutes of planning time per school day during a school week.	
59	Broadband providers; affordable monthly plan. Requires each broadband provider operating in the Commonwealth to offer an affordable monthly plan for broadband services that (i) does not exceed $50 per month and (ii) meets the faster of either (a) the standards for advanced service as defined by the Federal Communications Commission or (b) a minimum broadband speed level of 50 megabits per second for download speed and 25 megabits per second for upload speed.	
60	Public school buses; display of advertising; hiring of school bus drivers in the local school division. Permits any local school board, notwithstanding any regulation to the contrary, to display decals, posters, and stickers on the sides and rear of school buses advertising the hiring of school bus drivers in the local school division, provided that the local school board is responsible for the cost of such decals, posters, and stickers and that no such decal, poster, or sticker obstructs the name of the school division or the number of the school bus.	
61	Thomas Jefferson High School for Science and Technology; admissions requirements. Requires the Thomas Jefferson High School for Science and Technology academic year Governor's School in Fairfax County to annually admit for first-time enrollment as freshmen at least 100 students who reside in the Loudoun County school division.	
62	Employer medical mandates; cause of action. Provides for a cause of action for any employee that suffers any adverse reaction or injury sustained by reason of a medical mandate, defined in the bill, issued by the employer as a condition of employment. The bill provides that in any such action the employee may recover compensatory damages, punitive damages, and reasonable attorney fees and costs.	

AMERICAN OVERSIGHT

	H	I	J
49		1/12/2022	1/13/2022
50		1/12/2022	1/13/2022
51		1/12/2022	
52		1/12/2022	1/13/2022
53		1/12/2022	1/13/2022
54		1/12/2022	1/13/2022
55		1/12/2022	
56		1/12/2022	
57		1/12/2022	1/13/2022
58		1/12/2022	1/13/2022
59		1/12/2022	
60		1/12/2022	1/13/2022
61		1/12/2022	1/12/2022
62		1/12/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E
63	RA	Primary		HB0511	March
64		Monitor		HB0512	March
65	RA	Comment		HB0514	March
66	RA	Primary		HB0522	March
67	LW	Primary		HB0533	Batten
68	EC	Primary		HB0535	Clark
69	RW	Primary		HB0545	Hudson
70	RA	Primary		HB0547	Hudson
71	RW	Primary		HB0559	O'Quinn
72	RW	Primary		HB0563	O'Quinn

AMERICAN OVERSIGHT

	F	G
63	Students who receive home instruction; participation in interscholastic programs. Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is a person of school age for whom public school is free; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including fees to cover the costs of additional insurance, uniforms, and equipment and fees for facility upkeep and facility maintenance. The bill has an expiration date of July 1, 2027.	
64	COVID-19 immunization; prohibition on requirement; discrimination prohibited. Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status (i) with regard to education, employment, insurance, or issuance of a driver's license or other state identification or (ii) in numerous other contexts.	
65	Prohibition on mask mandates. Prohibits the Board of Health, Commissioner of Health, and Governor from issuing any rule, regulation, or order that requires (i) individuals to wear masks or other face coverings or (ii) businesses to require customers to wear masks or other face coverings while on the premises of such business and prohibits any local school board from requiring any student enrolled at a public elementary or secondary school in the local school division to wear a mask, face covering, or other covering of the student's nose and mouth at school, on a school bus, or at a school-sponsored activity.	Companion to HB1038. Inform VDH when comment is available on ELAS.
66	Students who receive home instruction; participation in interscholastic programs. Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is a person of school age for whom public school is free; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2027.	Difference from HB511?
67	Public elementary and secondary schools; agreements to establish opportunity classrooms. Requires each school board to enter into an agreement, upon request, with a public elementary or secondary school teacher or a group of such teachers in a local school division who represents more than 20 students to establish an opportunity classroom, which the bill defines as a classroom in which a curriculum in English, mathematics, science, history and social science, and any other subject area, as set forth in such agreement, is offered that is different than any curriculum that is otherwise offered in such subject areas in the local school division. The bill permits each school board to enter into such agreement for an opportunity classroom if the requesting teacher or group of teachers represents fewer than 20 students. The bill contains requirements for such agreements to establish opportunity classrooms and provisions relating to funding for opportunity classrooms and for services, transportation, and assessments for students who are enrolled in an opportunity classroom.	
68	Teacher compensation; at or above national average. Requires that public school teachers be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a 4.5 percent annual increase for public school teacher salaries, effective from the 2023-24 school year through the 2027-28 school year. The bill has a delayed effective date of July 1, 2023.	
69	Additional local sales and use tax to support schools. Adds the City of Charlottesville to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.	
70	Department of Education; statewide strategic plan; speech-language pathologists. Requires the Department to develop and maintain a statewide strategic plan for recruiting and retaining speech-language pathologists that, at a minimum, (i) analyze data to determine the specific staffing needs of local school divisions on an ongoing basis; (ii) evaluates the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for speech-language pathologists, and the expansion of speech-language pathologist mentorships; and (iii) estimates the costs of implementing each such strategy, including the extent to which federal funds could be used to support implementation. The bill requires the Department, no later than November 1 of each year, to update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also directs the Department of Education and the Board of Education, in consultation with each local school board, to (a) examine the caseloads and compensation of speech-language pathologists in each local school division, (b) compare such caseloads and compensation to those of speech-language pathologists in contiguous states, and (c) make recommendations to the Governor and the General Assembly no later than November 1, 2022, for such amendments to relevant law and the general appropriations act as may be necessary to effectuate a reduction in caseloads and increase in compensation that would facilitate stronger recruitment and retention of speech-language pathologists in public elementary and secondary schools in the Commonwealth.	
71	Local school boards; composite index of local ability-to-pay; required local effort; adjustment in certain circumstances. Provides that in any case in which a local school board enters into a comprehensive agreement with a private entity pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 whereby the private entity finances the construction of a new public school building in the local school division through the issuance of bonds; leases the building to the local school board in an arrangement such as a certificate of participation, a double net lease, or a triple net lease; and expects the local school board to make lease payments in an annual amount that approximates or is equal to the annual debt service on such bonds, the Department of Education shall not consider 50 percent of such lease payments as capital outlay and debt service and therefore shall not subtract such payments in the biennial calculation of net local expenditures for operations or required local effort for the purpose of determining such local school division's composite index of local ability-to-pay, if so requested by the local school board.	
72	School Construction Matching Grant Fund and Program; established; funding sources. Establishes the School Construction Matching Grant Fund and Program for the purpose of awarding matching grants on a competitive basis to local school boards that demonstrate poor school building conditions, commitment, and need, based on certain enumerated factors, in order for such local school boards to fund the construction of new public school buildings in the local school division. The bill permits the Board of Education to transfer sums from the Literary Fund to the School Construction Matching Grant Fund and for the Department of Education to use such sums to provide matching grants pursuant to the Program.	

AMERICAN OVERSIGHT

	H	I	J
63		1/12/2022	1/12/2022
64		1/12/2022	
65		1/12/2022	
66		1/12/2022	1/12/2022
67		1/12/2022	1/12/2022
68		1/12/2022	1/12/2022
69		1/12/2022	
70		1/12/2022	1/12/2022
71		1/12/2022	1/13/2022
72		1/12/2022	1/13/2022

AMERICAN OVERSIGHT

	A	B	C	D	E
73	EC	Primary		HB0581	VanValkenburg
74	LR	Primary		HB0583	Roem
75	EC	Primary		HB0585	VanValkenburg
76	LR	Primary		HB0587	Roem
77	RW	Primary		HB0608	Bourne
78		Monitor		HB0618	Hudson
79	JC	Primary		HB0636	Carr
80	RA	Primary		HB0649	Carr
81	RA	Primary		HB0650	Kory
82		Monitor		HB0687	Kory
83	RA	Primary		HB0688	Kory

AMERICAN OVERSIGHT

	F	G
73	Local school boards; teacher career ladder compensation programs. Requires each local school board to establish a teacher career ladder compensation program (program) whereby each rung on the ladder corresponds to a specific teacher career and compensation level as determined by the local school board. The bill requires each local school board to design and implement its own program, provided, however, that each program shall include the following principles and components: (i) each teacher shall provide increasing levels of student academic progress as measured by objective criteria before the teacher progresses to the next rung of the ladder; (ii) each teacher shall demonstrate improvement in teaching skills before the teacher progresses to the next rung of the ladder; (iii) each teacher shall assume additional teaching and other responsibilities such as curriculum development, team teaching, mentoring, and professional development activities before the teacher progresses to the next rung of the ladder; (iv) the local school board is responsible for providing teachers in the program with appropriate professional growth and development opportunities; and (v) the local school board shall ensure that equal pay is provided to teachers in the program who are performing at the same level. The bill provides that teacher participation in a teacher career ladder compensation program is optional and any teacher may opt to be compensated pursuant to the local school board's standard salary scale.	
74	Public elementary and secondary school students; ability to pay for meals and school meal debt; extracurricular school activities. Requires each school board to adopt policies that prohibit the school board or any school board employee from denying a student the opportunity to participate in any extracurricular school activity because the student cannot pay for a meal at school or owes a school meal debt.	
75	Middle and high school end-of-course assessments; number and type. Requires, except for those middle and high school students with significant cognitive disabilities who participate in an alternate assessment, each student in middle and high school to take only those end-of-course Standards of Learning assessments necessary to meet federal accountability requirements and Virginia high school graduation requirements. The bill requires the Department of Education, in addition to such assessments, to develop or adopt and require each high school student to take, during junior year or at such other time as may be appropriate, statewide skills-based and performance-based end-of-course assessments in biology and U.S. history that are aligned to the Standards of Learning for each such subject. The bill requires each such assessment to be graded by the Department of Education according to statewide grading rubrics. The bill requires student performance on each such assessment to account for 10 percent of the student's final grade in each such course. The foregoing provisions of the bill have a delayed effective date of July 1, 2027, and the bill provides that the first such assessments shall be administered during the spring of the 2027—2028 school year. The bill further requires the Department of Education to (i) semiannually publish on a publicly accessible portion of its website sample statewide skills-based and performance-based end-of-course assessments in biology and U.S. history during the 2022—2023 through 2026—2027 school years and (ii) annually administer a pilot program during the 2023—2024 through 2026—2027 school years whereby it administers skills-based and performance-based end-of-course assessments in biology and U.S. history to high school juniors in select school divisions to determine the validity of such assessments and make such adjustments as may be necessary before the first such assessments are administered statewide during the spring of the 2027—2028 school year.	
76	School Breakfast Program and National School Lunch Program; processing of applications. Requires each public elementary or secondary school to process each web-based or paper-based application for participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within five working days after the date of receipt of the application.	
77	School boards; unexpended local funds; capital projects. Permits any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year. The bill is a recommendation of the Commission on School Construction and Modernization.	
78	Possession of controlled substances; barrier crimes. Removes from the definition of barrier crime a felony violation of possession of a controlled substance.	
79	Virginia student environmental literacy; plan; grant fund and program. Requires the Board of Education, in consultation with the Department of Environmental Quality, the Department of Health, any other stakeholder that it deems appropriate, and the public, and in order to assist each local school board in developing and implementing a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning and emphasizes environmental literacy as an essential skill and concept of citizenship that is necessary for responsible participation in American society and in the international community, to establish and update at least once every five years a Virginia student environmental literacy plan (the plan) that (i) prepares students to understand, analyze, and address the major environmental challenges facing the Commonwealth and the United States; (ii) provides field experiences as part of regular school curricula and creates programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition; and (iii) creates opportunities for the enhanced and ongoing professional development of teachers that improves teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom. The bill requires the plan to include a description of (a) how the Board will measure the environmental literacy of students, including relevant Standards of Learning and related curricula and courses or subjects where environmental education instruction will be integrated throughout grades kindergarten through 12 curricula, and the relationship of the plan to the high school graduation requirements established by the Board; (b) programs for the professional development of teachers to improve teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom; and (c) how the Board will implement the plan, including securing funding and other necessary support. The bill establishes the Virginia Student Environmental Literacy Plan Grant Fund and Program, to be administered by the Department of Education, for the purpose of awarding grants on a competitive basis to any local school board that seeks assistance to initiate, expand, or improve teacher professional development opportunities or student environmental education programs that align with the content and objectives of the plan.	
80	Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report. Requires the Department of Education, in coordination with the Department for the Deaf and Hard-of-Hearing, to (i) select, with input from an advisory committee that the bill establishes, language developmental milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.	
81	School boards; school consolidation and redistricting and pupil assignment; access to advanced academic programs. Requires a school board to demonstrate in advance that the consolidation of schools, redistricting of school boundaries, or adoption of a pupil assignment plan will maintain or increase equitable student access to advanced academic programs.	
82	Virginia Freedom of Information Act; definitions; meeting. Changes the definition of "meeting" for purposes of the Virginia Freedom of Information Act to mean an assemblage of at least a quorum of the members of a public body. Under current law, a meeting is defined as an assemblage of as many as three members or a quorum, if less than three members, of a public body.	
83	School boards; production of public records; fee schedules. Requires each school board to develop and post or otherwise make publicly available a fee schedule governing charges for the release of public records to be used by each school within its school division when responding to requests for public records pursuant to the Virginia Freedom of Information Act. The bill requires such fee schedule to be based on the most recent estimate of the aggregate costs incurred by each school within a school board's division in accessing, duplicating, supplying, or searching for requested public records. Finally, the bill provides that a school board shall review and update the fee schedule at least annually.	

AUDIT OVERSIGHT

	H	I	J
73		1/12/2022	1/13/2022
74		1/12/2022	1/13/2022
75		1/12/2022	1/13/2022
76		1/12/2022	1/13/2022
77		1/12/2022	1/13/2022
78		1/12/2022	
79		1/12/2022	1/13/2022
80		1/12/2022	1/13/2022
81		1/12/2022	1/13/2022
82		1/12/2022	
83		1/12/2022	1/13/2022

AMERICAN OVERSIGHT

	A	B	C	D	E
84	LR	Primary		HB0695	Keam
85	RA	Primary		HB0741	Bell
86	JC	Primary		HB0781	Williams
87		Monitor		HB0783	LaRock
88	RA	Primary		HB0784	LaRock
89	EC	Primary		HB0785	LaRock
90	JC	Primary		HB0786	LaRock
91	EC	Primary		HB0787	LaRock
92	JC	Primary		HB0788	LaRock
93	EC	Primary		HB0789	LaRock

AMERICAN OVERSIGHT

	F	G
84	Worker training tax credit. Extends from 2022 to 2025 the sunset date for the worker training tax credit and removes a requirement for such tax credit that direct costs incurred by a business primarily engaged in manufacturing in conducting orientation, instruction, and training in the Commonwealth be related to the manufacturing activities undertaken by the business.	
85	Annual public elementary and secondary school safety audits; creation or review of school building floor plans required. Requires each local school board, as part of each annual school safety audit, to create a detailed and accurate floor plan for each public school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate but provides that such floor plan may be withheld from public disclosure.	
86	Public elementary and secondary schools; student citizenship skills; certain instructional policies prohibited; parental rights; disclosures; penalties; other remedies. Requires the Board of Education to incorporate into each relevant Standard of Learning and associated curriculum framework a requirement that each student demonstrate the understanding of, among other concepts, the fundamental moral, political, and intellectual foundations of the American experiment in self-government, as well as the history, qualities, traditions, and features of civic engagement in the United States. The bill prohibits any public school teacher or other instructional staff member from being required to discuss any current event or widely debated and currently controversial issue of public policy or social affairs and provides that any such employee who chooses to discuss any such event or issue in the scope of his instructional duties shall, to the best of his ability, strive to explore such issues from diverse and contending perspectives, without giving deference to any one perspective. The bill prohibits the Board and Department of Education and each local school board from teaching, instructing, or training certain individuals and groups, including teachers and students, to support, believe, endorse, embrace, confess, act upon, or otherwise assent to a divisive concept, as defined in the bill, or penalizing or discriminating against any such individual or group for refusing to do so. The bill also prohibits any school board or employee thereof from teaching or incorporating into any course or class any such divisive concept or creating a position or hiring a consultant with the job title of equity director or diversity director or a substantially similar title and with a job description that includes any activity that would result in a violation of a provision of the bill. The bill further declares that the parent of each student enrolled in a public elementary or secondary school has the right to be aware of all curricula, instructional materials, lessons, and other forms of instruction provided to his child and may request that the student's teacher provide any such item for review. Finally, the bill provides that in the event that a local school board finds that a school board employee has persistently, knowingly, and intentionally violated any of the bill's provisions, the parent of any student affected by such violations may request and the local school board shall provide a voucher in an amount equal to all sums from any source that the local school board received for the education of such student and the parent shall use such voucher to provide for the education of his child in any setting set forth in relevant law.	
87	Immunizations; authority of the Commissioner of Health; religious exception. Exempts a person, including a parent or guardian on behalf of a child, who objects to administration of a vaccine on religious grounds from mandatory immunization requirements during an epidemic. Currently, exemption from mandatory immunization requirements during an epidemic is available only to those persons to whose health the administration of the vaccine would be detrimental, as certified in writing by a licensed physician.	
88	Home instruction and private school tax credit. Creates an individual, nonrefundable income tax credit for taxable years 2022 through 2026, for amounts paid by the parent or legal guardian of a child for the child's home instruction expenses or tuition for attending an accredited private school in Virginia. The credit shall equal the lesser of the amount actually paid in the taxable year for such costs or half of the average state standards of quality funding per student per year. The credit may be taken for instruction-related materials, courses, or programs used in home instruction or for private school tuition. The credit is available for two years per child and can be carried forward for five taxable years.	
89	Family life education curriculum guidelines; human reproduction; viewing of ultrasound video recording. Requires the instruction on human reproduction contained in the Board of Education's family life education curriculum guidelines to include the viewing of a video recording of an ultrasound of a live unborn human in the uterus.	
90	Board of Education; policy on certain instructional material and related academic activities; annual parental notification; replacement or alternative material and activities; local compliance. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) annually notify the parent of any student enrolled in a class or course in which the instructional material or related academic activities includes or may include sexually explicit content, as defined in the bill, or content that depicts sexual misconduct, as defined in the bill; (ii) permit the parent of any student to review instructional material that includes sexually explicit content or content that depicts sexual misconduct, upon request; and (iii) provide, as a replacement or an alternative to instructional material and related academic activities that include sexually explicit content or content that depicts sexual misconduct, instructional material and related academic activities that do not include sexually explicit content or content that depicts sexual misconduct to any student whose parent so requests.	
91	Training or instruction on certain concepts in public elementary and secondary education; declaration as unlawful and discriminatory practice. Declares it an unlawful and discriminatory practice for any local school board or employee or contractor thereof to train or instruct any individual on any divisive concept, as defined in the bill, for the purpose of promoting and encouraging such individual to adopt or believe such concept. The bill requires the Department of Education to establish model policies for the prevention of such unlawful and discriminatory practice and each local school board to adopt policies that are consistent with but may be more comprehensive than the model policies established by the Department.	
92	Education Improvement Scholarships Tax Credits program. Increases from 65 percent to 75 percent the tax credit for the value of the monetary or marketable securities donation made by a taxpayer to an eligible scholarship foundation.	
93	Family life education programs; student participation; summaries. Prohibits any public elementary or secondary school student from participating in any family life education program without the prior written consent of his parent. The bill requires the summary that is required to be posted and distributed to parents for each such program to include contact information for the individual or office responsible for maintaining printed and audio-visual program materials.	

AMERICAN OVERSIGHT

VA-22-0316-A-000657

	H	I	J
84		1/12/2022	
85		1/12/2022	1/13/2022
86		1/12/2022	1/13/2022
87		1/12/2022	
88		1/12/2022	1/13/2022
89		1/12/2022	1/13/2022
90		1/12/2022	1/13/2022
91		1/12/2022	1/13/2022
92		1/12/2022	
93		1/12/2022	1/13/2022

AMERICAN OVERSIGHT

	A	B	C	D	E
94	DEC	Comment		HB0805	Price
95	RA	Primary		HB0829	Wilt
96	LR	Primary		HB0844	Lopez
97	RW	Primary		HB0846	Lopez
98	RA	Primary		HB0863	Reid
99	RA	Primary		HB0873	Greenhalgh
100	JC	Primary		HB0879	Rasoul

AMERICAN OVERSIGHT

	F	G
94	Barrier crimes. Eliminates certain crimes from the definition of "barrier crime" and requires the State Board of Behavioral Health and Developmental Services, the Board of Education, the State Board of Health, and the State Board of Social Services to each adopt regulations that develop and implement a waiver process for individuals who have been convicted of a barrier crime and who serve in a position or seek to serve in a position with any qualified entity subject to the regulations of the board. The bill eliminates current exceptions and time limit mandates, as such information is required to be set out in each agency's waiver process. The bill sets out information to be included in the regulations of the individual boards. The bill also directs the Departments of Behavioral Health and Developmental Services, Education, Health, and Social Services to each publish information about the agency's waiver process in an easily accessible format on a website maintained by the department. The bill includes additional requirements for each waiver process, such as if an individual's application for a waiver is denied, the department must state the basis for denial in writing and provide such explanation to the individual. The bill provides that although a waiver granted to an individual by one department shall not be transferrable to a position under another department, proof of receipt of a waiver from one department shall be considered positively by another department when reviewing an application for a waiver. Additionally, each department is required to notify the Department of State Police when a waiver has been granted within 10 days of issuing the decision in writing to the person who was subject to the waiver. In cases where a waiver has been granted, the bill also prohibits any business screening service from disseminating information regarding the barrier crime conviction that was the subject of such waiver unless it is clearly indicated that the waiver was granted, and the bill sets out a penalty for any business screening service that violates that prohibition. The bill prohibits any qualified entity from discharging or otherwise discriminating against a person for any reason concerning solely the barrier crime conviction that was the subject of a waiver that has been granted. The bill also exempts all documents relating to a waiver application from the Virginia Freedom of Information Act except for an application cover sheet and whether the waiver has been granted or denied or if the application is pending. Additionally, the bill eliminates the state-level barrier crimes requirements for foster and adoptive parents and provides that a child-placing agency shall not approve a foster or adoptive home if any individual has been convicted of crimes prohibited under federal law or is the subject of a founded complaint of abuse or neglect as maintained in registries pursuant to state and federal law. The bill has a delayed effective date of the earlier of (i) the first day of the fourth month following notification of the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by the Superintendent of State Police that the Department of State Police has implemented the necessary system upgrades as required by this act or (ii) July 1, 2025; however, the provisions related to foster and adoptive parents become effective on July 1, 2022. The bill requires the Boards of Behavioral Health and Developmental Services, Education, Health, and Social Services to promulgate regulations by December 1, 2024, to implement the provision of the bill. The bill also requires the Secretaries of Education, Health and Human Resources, and Labor to provide recommendations on the development of a navigation system no later than July 1, 2024, for assisting applicants in navigating the waiver processes across each department. Individuals with barrier crime convictions serving in a position pursuant to a currently existing exception, waiver, or screening process that the bill eliminates shall continue to be subject to such exception, waiver, or screening process and shall not be terminated upon enactment of the bill or required to apply for a barrier crime conviction waiver so long as he continues to be employed by the same employer. The bill also permits the boards to have a phased implementation of the regulations not to exceed two years after the bill's enactment in order to prevent overwhelming department resources for receiving applications and to ensure that applications are answered in a timely manner. The bill also directs the Department of State Police to implement any necessary enhancements to the Criminal History and Rap Back Information System by the effective date of the first enactment of this act.	Starting this with DEC though this will also have a preK-12 implication
95	School counselors; staffing ratios; flexibility. Permits school boards to fulfill the staffing ratio requirements for school counselors by employing other licensed counseling professionals or providing other licensed counseling professionals through contracted services.	
96	High school interscholastic athletic competition; prevention of hate speech and ethnically or racially insensitive expressions. Requires the organization governing high school athletics and academic activities for public and approved nonboarding nonpublic high schools (the organization), with such funds as may be appropriated by the General Assembly for such purpose pursuant to the general appropriation act, to develop (i) rules and standards for the prevention of inequities involving the use of hate speech or ethnically or racially insensitive expressions during athletic and academic competitions sponsored by the organization's member schools, (ii) procedures for the enforcement of and penalties for the violation of such rules and standards, and (iii) training materials on such rules and standards. The bill requires each member school of the organization to abide by and implement such rules, standards, procedures, and penalties and ensure that each student who will participate in high school interscholastic athletic or academic competition, the parent of each such student, and each individual, whether paid or unpaid, who coaches a team that will participate in high school interscholastic athletic or academic competition receives and reviews such training materials. The bill requires the organization to make part of the process to become a registered official in good standing for any association offering services to the organization an education and training requirement that is consistent with the training materials developed by the organization. The bill has a delayed effective date of January 1, 2023.	
97	Income tax deduction; teaching material expenses. Provides an income tax deduction beginning in taxable year 2022 for the lesser of $500 or the actual purchase price of teaching materials purchased by a teacher and used in teaching Virginia public primary or secondary school students. The deduction may not be claimed if the purchases were reimbursed or claimed as a deduction on the teacher's federal income tax return for the taxable year.	Similar legislation in recent sessions.
98	Local law enforcement; certain reports to school principals and division superintendents; form and scope. Requires local law-enforcement authorities to report in writing, and the principal or his designee and the division superintendent to receive each such report, on (i) any suspected offense, offense for which any charge has been filed, or offense that is subject to investigation, that was committed by a student enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving certain enumerated incidents, and (ii) whether the student is released to the custody of his parent or, if 18 years of age or older, is released on bond. Current law does not require such reports to be in writing and only applies to student offenses but does not specify whether such reports are required to be made for student offenses that are suspected, charged, or subject to investigation.	
99	School boards; school resource officers; employment; threat assessment. Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public elementary and secondary school in the local school division. The bill provides that no school board shall be granted any full or partial waiver from such staffing requirements and that no school board that fails to fully comply with such staffing requirements is eligible for any grant or waiver from the Commonwealth, Board of Education, or Department of Education. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school.	
100	Board of Education; membership; qualifications. Requires the nine-member Board of Education, all of whom are appointed by the Governor, to include at least one member with experience or expertise in local government leadership or policymaking, at least one member with experience or expertise in career and technical education, and at least one member with experience or expertise in early childhood education.	Similar to 2021 legislation.

AMERICAN OVERSIGHT

VA-22-0316-A-000660

	H	I	J
94		1/12/2022	
95		1/12/2022	
96		1/12/2022	
97		1/12/2022	
98		1/12/2022	
99		1/12/2022	
100		1/12/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E
101	EC	Primary		HB0915	Orrock
102	LS	Comment		HB0930	Robinson
103	LW	Primary		HB0938	Robinson
104	JC	Primary		HB0946	Wampler
105	EC	Primary		HB0977	McGuire III
106	EC	Primary		HB0979	Tran
107	RW	Primary		HB0982	Scott

AMERICAN OVERSIGHT

	F	G
101	Required immunizations; regulations. Provides that a parent, guardian, or person standing in loco parentis of each child in the Commonwealth shall cause such child to be vaccinated in accordance with the Regulations for the Immunization of School Children of the State Board of Health (the Board) and that regulations of the Board setting forth such requirements shall be subject to the Administrative Process Act. Currently, a parent, guardian, or person standing in loco parentis of a child shall cause such child to be vaccinated in accordance with the Immunizations Schedule developed and published by the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices, American Academy of Pediatrics, and American Academy of Family Physicians, and any regulations of the Board setting forth requirements related to vaccines are exempt from the Administrative Process Act. The bill also provides that no regulation of the Board of Health setting forth requirements related to vaccines shall become effective until after the next regular session of the General Assembly following the date on which the final adopted regulation is published in the Virginia Register of Regulations.	
102	Human research; research involving minors; requirements. Establishes additional requirements for human research involving a minor as a human subject, defined in the bill, including requirements related to review of proposed and continuing research by institutional review boards and requirements related to parental consent to human research involving a minor.	
103	Board of Education; evaluation of and recommendations for certain current and proposed policies and performance standards for public elementary and secondary schools. Requires the Board of Education to collaborate with the Superintendent of Public Instruction and the Secretary of Education to evaluate, to implement where possible, and to otherwise make recommendations to the General Assembly regarding the following goals: (i) promoting excellence in instruction and student achievement in mathematics, including elimination of the Virginia Mathematics Pathways Initiative and an evaluation of any other proposed changes to the Mathematics Standards of Learning, in advance of the next revision of such standards by the Board, to maintain and increase the rigor of mathematics instruction in public elementary and secondary schools and permit students demonstrating aptitude and high achievement in mathematics to accelerate their progress through core mathematics classes and concepts and take advanced mathematics courses before the eleventh grade; (ii) increasing the number of academic year Governor's Schools in the Commonwealth and maintaining standards of excellence for students in all such schools; (iii) preserving the Advanced Studies Diploma as an option for students in public high schools in the Commonwealth while maintaining or increasing course and credit requirements for such diploma; (iv) increasing the transparency and honesty of performance measures for public elementary and secondary schools in the Commonwealth and ensuring that such measures do not obscure or conceal disparities in performance among student groups; (v) ensuring that performance measures for public elementary and secondary schools prioritize the attainment of grade-level proficiency in reading and mathematics for all students, especially in grades kindergarten through five; (vi) ensuring that the Commonwealth's proficiency standards on Standards of Learning assessments in reading and mathematics are rigorous in comparison with assessments administered by other states and national assessments in reading and mathematics; and (vii) restoring a strong accreditation system that promotes meaningful accountability year-over-year. The bill requires the Secretary of Education and the Superintendent of Public Instruction, no later than November 30, 2022, to report to the chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such evaluation and recommendations to achieve such goals.	
104	Board of Education; local school boards; public notice and comment regarding certain materials. Requires the Board of Education (the Board), in order to provide appropriate opportunity for input from the general public, parents, teachers, and local school boards, to solicit public comment prior to revising, adopting, or approving any Standards of Learning resource guide or curriculum framework, list of recommended textbooks in any Standards of Learning academic subject, textbook, instructional aid or material, or required or recommended reading list. The bill requires the Board to publish notice of its intended action at least 30 days prior to soliciting public comment, provide interested parties reasonable opportunity to be heard and present information prior to final action of the Board, and make such materials available for public inspection at least 30 days prior to final revision, adoption, or approval, as the case may be. Under current law, such requirements for public input apply only to the adoption or revision of Standards of Learning resource guides and lists of recommended textbooks in any Standards of Learning academic subject. The bill also requires the Board to establish minimum standards for local school boards to provide appropriate opportunity for input from the general public, parents, and teachers by soliciting public comment prior to revising, adopting, or approving any curriculum, textbook, instructional aid or material, or required or recommended reading list. The bill requires each local school board to comply with such minimum standards, which are required to include opportunities for public input that are substantially similar to those that are required to be provided by the Board.	
105	Public elementary and secondary education; school boards and employees; promotion of diversity and respect. Requires each local school board and employee thereof to promote (i) diversity and respect, with the understanding that all individuals are created equal and diversity is a strength of the United States, and (ii) the concept that all cultures have contributed greatly to the rich history of the United States and the way of life that Americans enjoy today. The bill prohibits any local school board or employee thereof from training, teaching, or promoting to enrolled students or school board employees the concept that (a) any race is inherently superior or inferior to any other race; (b) any individual, by virtue of his race or skin color, is inherently racist, privileged, or oppressive, whether consciously or unconsciously; (c) any individual, by virtue of his race or religion, bears responsibility for the actions committed by other members of his race or religion; (d) any individual's moral character is determined by his race; (e) the United States is a fundamentally or systemically racist country; or (f) capitalism is an inherently racist economic system.	
106	Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States. Requires the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who holds a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license.	Similar to SB68 (Favola)
107	Education Savings Account Program established; Education Improvement Scholarships Tax Credits. Establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2022–2023 school year. The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is $25 million, and removes individual minimum and maximum required donation amounts. The bill raises the threshold for students to qualify for scholarships to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, 1,200 percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a Virginia resident and eligible to enroll in a Virginia primary or secondary school. Current law restricts eligibility to certain categories of students. The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2022.	Similar to past legislation

AMERICAN OVERSIGHT

	H	I	J
101		1/12/2022	
102			
103		1/12/2022	
104		1/12/2022	
105		1/12/2022	
106		1/12/2022	
107		1/12/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E
108	RA	Primary		HB0985	Anderson
109	RA	Primary		HB0988	Wyatt
110	DEC	Primary		HB0994	Brewer
111	EC	Primary		HB1005	Guzman
112	JC	Primary		HB1007	Scott
113	JC	Primary		HB1009	Durant
114	RA	Primary		HB1022	Guzman
115	EC	Primary		HB1023	Guzman
116	RW	Primary		HB1024	LaRock
117	RW	Primary		HB1025	LaRock
118	LR	Primary		HB1026	Guzman
119	EC	Primary		HB1032	LaRock

AMERICAN OVERSIGHT

	F	G
108	School principals; incident reports; violent offenses. violent offenses. Requires that school principals report to law enforcement any felony offenses and violent offenses enumerated in the bill that may constitute a criminal offense. Under the bill, principals have discretion to report certain non-violent crimes to law enforcement. Under current law, principals are required to make such reports to law enforcement only for such acts that may constitute a felony offense.	Similar to other incident reporting bills
109	Treatment of transgender students; model policies. Eliminates the requirement that each school board adopt policies that are consistent with the model policies developed by the Department of Education concerning the treatment of transgender students in public elementary and secondary schools. The bill also removes the requirement for such model policies to include information, guidance, procedures, and standards relating to the use of school facilities, requires the Department to amend its model policies to remove any such information, guidance, procedures, or standards, and requires the Department to make such amended model policies available to each school board no later than the beginning of the 2022%962023 school year.	Companion to SB20 (Hackworth)
110	Board of Education; Child Care Subsidy Program; Armed Forces. Directs the Board of Education (the Board) to amend its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill.	
111	Public school teachers; continuing contract; resignation. Declares a public school teacher employed after completing the probationary period to be entitled to a continuing contract whereby the contract continues in effect for the ensuing year in conformity with local salary stipulations, including increments, provided, however, that such teacher may be dismissed for any cause set forth in relevant law and in accordance with the procedures set forth in relevant law. Current law declares any such teacher to be entitled to such a continuing contract during good behavior and competent service. The bill requires a public school teacher who seeks to resign from a continuing contract (i) for the ensuing school year to give written notice of such resignation on or before June 15 of the current school year or (ii) in effect for the current school year or for the ensuing school year after June 15 of the current school year to request release from the contract at least two weeks in advance of intended date of resignation and requires such request to be in writing and to set forth the cause of resignation. Current law requires written notice of noncontinuation of a continuing contract by either party to be given by June 15 of each year and permits a teacher to resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent if the teacher requests release from the contract in writing at least two weeks in advance of the intended date of resignation and sets forth the cause of resignation. The bill also provides that if the school board has not authorized the division superintendent to approve resignations of teachers with continuing contracts, the school board shall decide whether to accept or reject the resignation of such a teacher.	
112	Board of Education; policy on sexually explicit instructional material. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request, and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests.	Identical to HB1009
113	Board of Education; policy on sexually explicit instructional material. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request, and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests.	Identical to HB1007
114	Certain public elementary and secondary school students; excused absences; attendance at pow wow. Provides that, subject to guidelines established by the Department of Education, any student who is a member of a state-recognized or federally recognized tribal nation that is headquartered in the Commonwealth and who is absent from school to attend such tribal nation's pow wow gathering shall be granted an excused absence.	
115	Certain family life education curricula; optional instruction on human trafficking. Permits any family life education curriculum offered by a local school division before high school to incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of human trafficking of children.	
116	Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.	Unclear difference between this and HB1025
117	Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.	Unclear difference between this and HB1024
118	Superintendent of Public Instruction; establishment of the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council. Requires the Superintendent of Public Instruction to establish and appoint no more than 12 members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (the Council), including at least one of each of the following: teacher, librarian, representative of a parent-teacher organization who is the parent of a school-age child, school administrator, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill requires the Council to (i) develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media literacy of all students in the local school division; (ii) develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students in public elementary and secondary schools; (iii) design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe, ethical, and responsible use of media and technology by students and teachers; and (iv) submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2023. The bill has an expiration date of July 1, 2024.	
119	Superintendent of Public Instruction and local school boards; standards for certain public school library materials; parental review of library and other educational materials. Requires the Superintendent of Public Instruction to develop and distribute to each local school board and each such school board to enforce throughout the local school division mandatory statewide standards for evaluating, classifying, and removing from any public elementary or secondary school library any explicit material. The bill also permits the Office of the Attorney General to enforce compliance with such standards in any local school division. The bill also establishes means and processes for the review of education materials and the review and approval of library materials by parents, including requiring the parents of all students who attend a public elementary or secondary school to comprise the Parental Review and Approval Committee for such school and requiring such Committee to review and vote to approve or disapprove of each item on a list of proposed library materials distributed to it by the school.	

AMERICAN OVERSIGHT

	H	I	J
108		1/12/2022	
109		1/12/2022	
110		1/12/2022	
111		1/12/2022	
112		1/12/2022	
113		1/12/2022	
114		1/12/2022	
115		1/12/2022	
116		1/12/2022	
117		1/12/2022	
118		1/12/2022	
119		1/12/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E
120	RA	Primary		HB1034	Ransone
121	RA	Primary		HB1036	LaRock
122		Monitor		HB1038	Scott
123	DEC	Primary		HB1043	Tran
124	RA	Primary		HB1047	Tran
125		Monitor		HB1049	Tran
126	LR	Primary		HB1064	Brewer
127	LR	Primary		HB1068	Cordoza
128	EC	Primary		HB1093	Batten
129	RW	Primary		HB1099	LaRock

AMERICAN OVERSIGHT

	F	G
120	Department of Education; school boards; guidelines for the provision of counseling services in public schools. Requires the Department of Education to develop and each local school board to adhere to guidelines for the provision of counseling services in public schools, which shall include (i) provisions for parental consent; written parental notification; parental involvement, as appropriate; and confidentiality; (ii) procedures by which a parent may limit or prohibit his child's participation; (iii) appropriate exceptions to the procedures by which a parent may limit or prohibit his child's participation such as imminent need, health, or safety or maintaining order in the school; and (iv) any other provision deemed necessary by the Department.	
121	Local school boards; requirement for students to wear masks or other face coverings; evidentiary substantiation. Prohibits any local school board from requiring any student enrolled at a public elementary or secondary school in the local school division to wear a mask, face covering, or other covering of the student's nose and mouth at school, on a school bus, or at a school-sponsored activity unless the local school board substantiates such requirement with evidence that (i) such requirement is necessary to suppress a nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health; (ii) no reasonable alternatives to such requirement exist in light of the impact on quality of life and economic well-being; and (iii) such requirement is narrowly tailored to address the nuisance dangerous to the public health or the communicable, contagious, or infectious disease or other danger to the public life and health.	
122	Emergency rules, regulations, and orders; prohibition on mask mandates. Prohibits the Board of Health, Commissioner of Health, or Governor from issuing any rule, regulation, or order that requires (i) individuals to wear masks or other face coverings or (ii) businesses to require customers to wear masks or other face coverings while on the premises of such business.	Companion to HB1038. Inform VDH when comment is available on ELAS.
123	Child abuse and neglect; background check and training requirements for youth sports coaches and staff. Requires youth sports leagues to (i) require all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children to complete a fingerprint-based background check; (ii) provide to all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children and the parent of any child participating in the sports league written notice of the duty of all coaches, directors, and persons 18 years of age or older employed by or volunteering with the sports league to report suspected child abuse or neglect, information regarding how to report suspected child abuse or neglect, an explanation of the penalties that may be imposed for failure to file a required report, contact information for the local department of social services, and the telephone number for the Department of Social Services' toll-free child abuse and neglect hotline; and (iii) require all paid coaches, staff members, and employees who will be alone with, in control of, or supervising children to complete no less than four hours of training annually regarding child abuse prevention and response and require all volunteers who will be alone with, in control of, or supervising children to complete no less than two hours of training annually regarding child abuse prevention and response. The bill directs the Board of Education to promulgate regulations to implement the provisions of the bill and to develop and provide to sports leagues resources regarding child abuse prevention and response training opportunities.	
124	Students who need or use augmentative and alternative communication; instruction; eligibility; staff training. Provides that no student who needs or uses augmentative and alternative communication (AAC), which the bill defines as any device, tool, support, or service, or any combination thereof, that facilitates any form of communication, other than oral speech, that can be used to express thoughts, needs, wants, and ideas, shall be denied the opportunity for inclusion in regular classrooms or the provision of age-appropriate instruction on the basis that such student may require support with AAC. The bill prohibits any individualized education program team, member of such team, or school division employee from utilizing the results of any intelligence quotient test or any other test to measure intelligence or cognitive ability to determine a student with a disability's eligibility to be provided with and use AAC at school. The bill requires each school division to document on the individualized education program of a student with a disability who needs or uses AAC, beginning prior to the provision of instruction or support to the student, including any extended school year period, the student's AAC and communication access and support needs, including, as appropriate, individualized training as an assistive technology service for each school division employee or contractor who provides instruction or direct support to such student, to support the student's use of AAC and to ensure that curricula and instruction are designed or adapted as necessary to accommodate the student's unique communication access needs.	
125	Administration of government; language access equity; report. Establishes the Interagency Language Access Working Group in the Office of the Director of Diversity, Equity, and Inclusion with the following membership: the Director of Diversity, Equity, and Inclusion, the Director of the Office of the Children's Ombudsman, the Governor's Secretaries, and six nonlegislative citizen members representing organizations that represent individuals with language access needs. The Working Group is established for the purpose of maximizing state policies, resources, technical assistance, and procurement practices to further language access and equity in the Commonwealth and its state government agencies. The bill also requires each state agency to designate a language access coordinator who will be responsible for the agency's annual language access report, the requirements of which are set out in the bill. The Secretary of Administration is directed to establish criteria for state agencies to procure language interpretation and translation services and to establish a policy for compensating multilingual state employees who are required as part of their job to provide interpretation, translation, or other bilingual skills at least once a month.	
126	Public School Trades Incentive Fund and Program; established. Establishes the Public School Trades Incentive Fund (the Fund) and the Public School Trades Incentive Program (the Program) for the purpose of providing grants on a competitive basis from the Fund to any school board that seeks to (i) restore high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials or (ii) create or restore middle school programs that encourage and recruit students to participate in high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials. The bill requires the Department of Education to administer the Program and to establish such rules and procedures relating to applications and awards as it deems appropriate, provided that the Department considers and gives appropriate weight to certain criteria for grantees. The bill permits any grantee to use Program funds for equipment, curriculum development, or instructor training. The bill requires each grantee to longitudinally track students who complete any program for which the school board received funds in order to determine the effectiveness of the (a) new or restored middle school programs in recruiting students to participate in restored high school programs and (b) restored high school programs in matching students with high-paying jobs in the fields in which they are certified or credentialed.	
127	Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited. Requires each public elementary or secondary school principal to ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, as that term is defined in the bill, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity.	
128	Public elementary and secondary education; school boards and employees; cultural competency training; evaluations. Requires the evaluation of each public school teacher and principal and division superintendent to include an evaluation of cultural competency if the relevant local school board has adopted and implemented policies to require cultural competency training. Under current law, such an evaluation of cultural competency is required and not conditioned upon any such action of the local school board. The bill permits any school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board of Education to complete cultural competency training, in accordance with guidance issued by the Board of Education, at least every two years, but only after providing 30 days' advanced written notice of and holding a public hearing regarding the adoption and implementation of such policies. Current law requires such cultural competency training and makes no provision for such notice and public hearing.	
129	Additional local sales and use tax; use of revenues for construction or renovation of schools. Allows any county or city to levy a local general retail sales tax and a local use tax at a rate not to exceed one percent as determined by its governing body to provide revenues solely for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, the power to levy such local sales and use taxes for the construction or renovation of schools is limited to the qualifying localities of Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville.	

AMERICAN OVERSIGHT

	H	I	J
120		1/12/2022	
121		1/12/2022	
122		1/12/2022	
123		1/12/2022	1/14/2022
124		1/12/2022	
125		1/12/2022	
126		1/12/2022	
127		1/12/2022	
128		1/12/2022	
129		1/12/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E
130	RW	Primary		HB1100	LaRock
131	LR	Primary		HB1108	Rasoul
132	EC	Primary		HB1110	Maldonado
133	RA	Primary		HB1124	Anderson
134	RA	Primary		HB1125	Anderson
135	RA	Primary		HB1126	Avoli
136	RA	Primary		HB1129	Taylor
137	EC	Primary		HB1135	Bourne

AMERICAN OVERSIGHT

	F	G
130	Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. Requires the Board of Education (the Board) to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022. This bill is a recommendation of the Commission on School Construction and Modernization.	
131	Public schools; instruction concerning gambling. Requires instruction concerning gambling and the addictive potential thereof to be provided by the public schools as prescribed by the Board of Education.	
132	Local school boards; grievance procedure for certain employees; timing of resolution of certain disputes. Requires each local school board's grievance procedure for school board employees, except the division superintendent, principals, assistant principals, teachers, supervisors, and other employees required to be licensed by the Board of Education, to afford a timely and fair method of the resolution of disputes arising between the school board and such employees before dismissal or other disciplinary actions, excluding suspensions. Current law requires such grievance procedures to afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding, but not before, dismissal or other disciplinary actions, excluding suspensions.	
133	Board of Education; school boards; codes of student conduct; contents. Requires the Board of Education's guidelines and model policies for codes of student conduct to include a requirement that any code of student conduct is enforced and any student behavioral intervention or disciplinary method or measure is utilized in a fair, proportional, unbiased, and neutral manner, for the sole purpose of maintaining safe learning environments, and with full and sole consideration of the student's behavior and with no consideration of any individual immutable characteristic of the student such as the student's sex or race. The bill requires each school board to establish and continuously maintain a system of fair, proportional, unbiased, and neutral student behavioral intervention and discipline and prohibits any school board from establishing or maintaining any system of student behavioral intervention or discipline, including positive behavioral interventions and supports or any substantially similar disciplinary method, that targets or differentiates student behavioral interventions or disciplinary methods or measures based on any factor other than the student's behavior.	
134	School boards; parental notification of certain threats, behavior, and unlawful acts; panic alarms. Requires, within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing, each division superintendent to notify the parent of each student enrolled in the relevant school of such threat, threatening or aberrant behavior, or unlawful act. The bill requires each school board to equip each public elementary and secondary school building in the local school division with at least one panic alarm that adheres to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories, and is installed by a licensed and qualified professional. The bill defines "panic alarm" as a silent security system by which the user manually activates a device that sends a non-audible signal to the local law-enforcement agency that indicates a school security emergency, including a non-fire evacuation, lockdown, or active shooter situation, that requires immediate response and assistance from such agency.	
135	Public education; parental rights; access to certain facilities and accommodations; instructional content; bullying. Declares that the parent of any student enrolled in a public elementary or secondary school in the Commonwealth has the right to (i) obtain and review any educational material and curriculum utilized in any class or course in which the student is enrolled; (ii) opt his child out of any class or course activity, lesson, or reading assignment or the use of any audiovisual material or library book to which the parent objects; (iii) easily access a list of the title and author of each book in each classroom and each library in the school in which the student is enrolled; (iv) receive notice of and attend any public meeting of the school board governing the local school division in which the student is enrolled; (v) review the annual school division budget and expenditures; (vi) send his child to attend school in a safe environment; and (vii) be updated by the school principal on any violent activity in the school in which the student is enrolled. The bill requires each school board to adopt policies to require each student and school board employee to have access to restrooms, locker rooms, and other changing facilities in public school buildings that are shared only by members of the same biological sex; lodging accommodations during school-sponsored trips that are shared only by members of the same biological sex; and a single-user restroom, locker room, or other changing facility in a public school building, upon request, if the school can reasonably accommodate such a request. The bill also prohibits any school board employee or individual who provides any school-sponsored program from teaching or promoting to any student or school board employee the concept that (a) any race is inherently superior or inferior; (b) any individual is racist, privileged, oppressive, biased, or responsible for actions committed by others of the same race or skin color by virtue of the individual's race or skin color; (c) the United States is fundamentally racist; or (d) market-based economics is inherently racist. The bill finally requires each school board to implement policies and procedures to educate school board employees about bullying and the need to create a school environment in which all individuals are treated with dignity and respect and any incident of bullying is taken seriously and handled in a robust manner.	
136	School safety audits; law-enforcement officers. Requires each local school board to require its schools to fully collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. Under current law, the division superintendent is required to make the results of such audits available to the chief law-enforcement officer upon request, and his approval is not needed. The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee. Current law requires that the completed walk-through checklist be made available to the chief law-enforcement officer or his designee upon request.	
137	Standards of Quality; work-based learning; teacher leaders and mentors; principal mentors; certain personnel positions and initiatives. Makes several changes to the Standards of Quality, including requiring the establishment of units in the Department of Education to oversee work-based learning and principal mentorship statewide and requiring the Board of Education to establish and oversee the local implementation of teacher leader and teacher mentor programs in Standard 5. The bill also makes several changes relating to school personnel in Standard 2, including (i) establishing schoolwide ratios of students to teachers in certain schools with high concentrations of poverty and granting flexibility to provide compensation adjustments to teachers in such schools; (ii) requiring each school board to assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all schools in the local school division; (iii) requiring each school board to employ teacher leaders and teacher mentors at specified student-to-position ratios; (iv) requiring state funding in addition to basic aid to support at-risk students and granting flexibility in the use of such funds by school boards; (v) lowering the ratio of English language learner students to teachers; (vi) requiring each school board to employ reading specialists and establishing a student-to-position ratio for such specialists; (vii) requiring school boards to employ one full-time principal in each elementary school; (viii) lowering the ratio of students to assistant principals and school counselors in elementary, middle, and high schools; and (ix) increasing from at least three to at least four the required number of specialized student support positions, including school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, per 1,000 students.	

AMERICAN OVERSIGHT

	H	I	J
130		1/12/2022	
131		1/12/2022	
132		1/12/2022	
133		1/12/2022	
134		1/12/2022	
135		1/12/2022	
136		1/12/2022	
137		1/13/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E
138	RW	Primary		HB1138	Reid
139	DEC	Comment		HB1149	Guzman
140		Monitor		HJ0004	Webert
141		Monitor		HJ0019	Greenhalgh
142		Monitor		HJ0084	Guzman
143	RA	Primary		SB0002	Cosgrove
144	JC	Primary		SB0016	Hackworth
145	EC	Monitor		SB0018	Cosgrove
146	RA	Primary		SB0020	Hackworth
147	JC	Primary		SB0027	Ruff
148	RA	Primary		SB0036	Norment
149		Monitor		SB0046	Petersen
150	LR	Primary		SB0062	Favola
151	EC	Primary		SB0068	Favola
152	DEC	Comment		SB0069	Favola
153	LR	Primary		SB0078	Norment
154	RW	Primary		SB0117	Newman
155	RA	Primary		SB0125	Obenshain

AMERICAN OVERSIGHT

	F	G
138	Loudoun County School Board; staggering of member terms; lot drawing; timeframe. Requires the lot drawing required to be conducted by the Loudoun County Electoral Board to determine the members of four of nine districts who will be elected to the Loudoun County School Board for four-year terms and the members of the remaining five districts who will be elected to the Loudoun County School Board for two-year terms to ensure the staggering of member terms for such school board to be conducted at the electoral board's first meeting of 2023 but no later than January 31, 2023.	These bills just analyzed by policy. Should be examples from recent years.
139	Virginia Children's Cabinet. Creates the Virginia Children's Cabinet as an executive branch advisory body to advise the Governor regarding policies to improve the health and well-being of children in the Commonwealth.	
140	Student-Athlete Mental Health Awareness Day. Designates May 27, in 2022 and in each succeeding year, as Student-Athlete Mental Health Awareness Day.	
141	Study; Department of Education; purpose and goals of public education; report. Requests that the Department of Education study the purpose and goals of public education by encouraging input from the citizens of the Commonwealth, including parents, teachers, school administrators, and local school board members, to clarify (i) the broader purpose of public education in light of the fundamental goal of public education, as expressed by the General Assembly and the Board of Education, and (i) the specific measurable outcomes that education laws, regulations, policies, and practices should help to achieve in order to further such broader purpose and such fundamental goal.	
142	Study; Department of Education; root causes of public school bus driver shortages and working conditions of public school bus drivers in the Commonwealth; report. Requests that the Department of Education, with the assistance of each local school board, to study the root causes of public school bus driver shortages and the working conditions of public school bus drivers in the Commonwealth by (i) administering to each public school bus driver in each local school division in the Commonwealth and as many former public school bus drivers as is feasible a survey to determine the level of satisfaction with and the need for improvement to the working conditions of public school bus drivers in the Commonwealth, (ii) analyzing such survey data and such other information and data as it deems necessary and advisable, including information from other states and school districts contained therein that have had success in addressing public school bus driver shortages by addressing working conditions, and (iii) making recommendations for statutory, regulatory, or budgetary changes that may contribute to the improvement of the working conditions of public school bus drivers.	
143	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to HB4, HB59, and SB36
144	Income tax; Education Improvement Scholarships Tax Credits. Increases the aggregate annual cap on the Education Improvement Scholarships Tax Credits from $25 million to $50 million, increases the value of the credit from 65 percent to 80 percent, and removes the credit's current sunset of January 1, 2028.	
145	Virginia Retirement System; retired law-enforcement officers employed as school security officers. Provides that if a retired law-enforcement officer was employed by a local school division as a school security officer on January 1, 2020, and had a bona fide break in service of at least one month between retirement and employment as a school security officer, such person is not required to establish a 12-month break in service that would otherwise be required by law.	SESS indicated no comment LAS required.
146	Treatment of transgender students; model policies. Eliminates the requirement that each school board adopt policies that are consistent with the model policies developed by the Department of Education concerning the treatment of transgender students in public elementary and secondary schools.	Response to HB145/SB161 (2020).
147	Income tax credits; Neighborhood Assistance Program and Education Improvement Scholarships. Makes several amendments to expand the availability of the Neighborhood Assistance Program (NAP) and Education Improvement Scholarships Tax Credits (EISTC). The bill increases the limit on NAP credits approved by the Department of Education (DOE) from $9 million to $25 million. When added to the current limit of $8 million of NAP credits approved by the Department of Social Services (DSS), the overall limit on NAP credits would be $33 million. The bill makes decisions of DOE and DSS regarding the qualification of a scholarship foundation or the awarding of tax credits subject to judicial appeal; currently, such decisions are final. The bill provides that the annual allocation of tax credits among neighborhood organizations shall not rely solely on the amount of credits awarded in the previous year. For the EISTC, the bill allows certified public accountants to receive tax credits for donations of accounting services to scholarship organizations. The bill also authorizes scholarship foundations, which are the sole recipient of funding from the issuance of EISTC, to receive funding for scholastic assistance, defined in the bill as counseling or supportive services. Under current law, scholarship foundations may receive EISTC funding only for the purpose of providing scholarships.	
148	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to HB4, HB59, and SB2
149	Certain emergency and quarantine orders; additional procedural requirements. Provides that any person who is affected by an order of quarantine may file an appeal in the circuit court for the city or county in which he resides or is located or the circuit court for the jurisdiction or jurisdictions for any affected area; currently, only a person who is subject to an order of quarantine may appeal the order. The bill also provides that, in any case in which the Governor has issued an emergency order that includes any measure that closes schools or businesses or restricts the movement of healthy persons within the area to which the order applies, all of the rights, protections, and procedures applicable in the case of an order of quarantine issued by the Commissioner of Health shall apply.	
150	School Health Services Committee; report. Establishes the School Health Services Committee to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The bill requires the Committee to submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year. The bill has an expiration date of July 1, 2025.	
151	Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States. Requires the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who holds a valid and officially issued and recognized license or certification to teach outside of the United States but does not meet the requirements for a renewable license.	
152	Virginia Residential Landlord and Tenant Act; prohibited provisions in rental agreements. Prohibits a rental agreement from containing provisions that prohibit the operation of properly licensed and authorized child care services.	
153	Board of Education; driver education programs; parent/student driver education. Requires the Board of Education to include the requirement for an additional minimum 90-minute parent/student driver education component in its driver education program for all public school divisions. Under current law, the parent/student driver education component is required for Planning District 8 (Northern Virginia) and optional in all other school divisions.	
154	K-12 funding. Provides that for any year in which there is a surplus, the Governor shall include in his proposed budget an appropriation of five percent of such surplus for the operational costs of local school divisions. The bill provides for an equivalent decrease in the amount of operational costs funded by the Lottery Proceeds Fund and an equivalent increase in the amount of funds in the Fund restricted exclusively for local school divisions' capital construction and renovation costs. If the restricted amount is equal to or greater than the amount in the Fund, the increases and decreases are no longer required under the bill.	
155	Public schools; regional charter school divisions. Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school.	

ARCHIVAL OVERSIGHT

	H	I	J
138		1/13/2022	
139			
140		1/3/2021	
141		1/12/2022	
142		1/12/2022	
143		11/15/2021	1/7/2022
144		12/31/2021	
145		12/31/2021	
146		12/27/2021	1/7/2022
147		12/31/2021	
148		1/7/2022	1/7/2022
149		1/3/2022	
150		1/4/2022	1/7/2022
151		1/8/2022	1/9/2022
152		1/12/2022	
153		1/8/2022	1/9/2022
154		1/11/2022	
155		1/11/2022	1/11/2021

AMERICAN OVERSIGHT

	A	B	C	D	E
156	EC	Primary		SB0154	Locke
157	EC	Primary		SB0156	Hashmi
158	EC	Primary		SB0157	Hashmi
159	LW	Primary		SB0161	Hashmi
160	EC	Primary		SB0178	Peake
161	DEC	Primary		SB0193	Mason
162	RW	Primary		SB0238	McPike
163	JC	Primary		SB0239	Hashmi
164	LW	Primary		SB0261	Hashmi
165		Monitor		SB0264	Hashmi

AMERICAN OVERSIGHT

	F	G
156	Applications for teacher licensure by reciprocity; military spouses; timeline for determination. Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet.	Companion to HB230 (Coyner)
157	Public schools; English language learners. Requires state funding to be provided to support new divisionwide ratios of English learner students in average daily membership to full-time equivalent teaching positions, as follows: (i) for each English language learner identified as proficiency level one, one position per 25 students; (ii) for each English language learner identified as proficiency level two, one position per 30 students; (iii) for each English language learner identified as proficiency level three, one position per 40 students; and (iv) for all other English language learners, one position per 50 students. Under the bill, in order to provide additional support for instruction of English language learners, $150 shall be appropriated in year one to divisions for each English learner student to support professional development of instructional and support staff, purchase resources developed for students learning English, and offer grants to community-based organizations that offer support services to English language learners in school settings.	
158	Competitive compensation for certain positions in public elementary and secondary schools. Declares it the goal of the Commonwealth that its public school teachers and all other individuals employed in Standards of Quality-funded positions be compensated at a rate that is competitive, defined as at or above the national average salary for the position, in order to attract and keep highly qualified individuals in such positions. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a five percent annual pay increase for each such position, effective from the 2023%9624 school year through the 2027%9628 school year, provided that such five percent annual pay increase (i) is subject to a local matching requirement in accordance with each local school board's composite index of local ability-to-pay and (ii) shall be adjusted annually as necessary to account for rebenchmarking and to yield a rate of compensation percentage increase for all Standards of Quality-funded positions that is pegged to providing a competitive average teacher salary in the Commonwealth. The bill has a delayed effective date of July 1, 2023.	Similar to bills years past (2019?)
159	Department of Education; heat-related illness; guidelines. Directs the Department of Education, in conjunction with stakeholders, to develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk of heat-related illness, how to recognize the signs of heat-related illness, and how to prevent heat-related illness to be distributed to local school divisions by August 1, 2022.	
160	Public school teachers; probationary term of service, grounds for dismissal, and dismissal hearings. Permits each school board to extend for up to two additional years the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing.	Companion to HB9 (Ware)
161	Child day programs; licensure; accredited private schools. Adds to the list of child day programs not required to be licensed by the Superintendent of Public Instruction to operate in the Commonwealth programs offered by accredited private schools that are in good standing with the Virginia Council for Private Education and operate for no more than four hours per day. The bill provides that, to be exempt from licensure, such accredited private school programs must be staffed by the accredited private school's employees and attended by children who are at least five years of age and are enrolled in the school. The bill requires such programs to be subject to safety and supervisory standards established by the Virginia Council for Private Education.	
162	Department of Education; school division maintenance reserve tool. Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill requires the Department of Education to consider converting or using as a template the Department of General Services' M-R FIX tool to meet the above requirement to maintain such a tool. This bill is a recommendation of the Commission on School Construction and Modernization.	Companion to Simonds bill
163	STEM+C; Virginia STEM Education Advisory Board. Adds science, technology, engineering, mathematics and computing (STEM+C), which includes real-world, interdisciplinary, and computational instruction and preparation of students in STEM+C, to the list of topics that shall be included in the Standards of Learning for the Commonwealth. The bill also directs the Virginia STEM Education Advisory Board to develop and submit to the Board of Education (i) a rubric that shall be used by the Board of Education in setting out what factors permit a school to be defined as a STEM school and (ii) recommendations for the Board to create a measurement for quality of STEM programming in general education instruction. The bill also directs the Virginia STEM Education Advisory Board to draft and report to the Department of Education proposed common language and terminology that better defines the basic literacies employed in STEM+C as methodological approaches to solving universal human challenges and, as essential, generalizable and transferable literacy toward the application of skills and content needed to solve those challenges. The bill also directs the Department of Education, based on such proposed language and terminology and no later than December 1, 2022, to recommend finalized language and terminology to the Board of Education.	Similar to HB217 (Davis)?
164	Virginia STEM Education Advisory Board; comprehensive review of labor statistics categories; report. Directs the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board (the Board) to perform a comprehensive review of U.S. Bureau of Labor Statistics categories within the standard occupational classification system and assess deficit areas that do not capture Virginia's existing STEM+C (Computing) workforce profile for the purpose of better aligning K-12 and higher education priorities. The Board shall report its findings to the Virginia Economic Development Partnership Authority Office of Education and Labor Market Alignment and the Chairmen of the House Committee on Communications, Technology and Innovation and the Senate Committee on General Laws and Technology no later than October 1, 2022.	
165	Collective bargaining for public employees. Provides for collective bargaining by public employees. The bill creates the Public Employee Relations Board, which will determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The measure requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The measure repeals a provision enacted in 2013 that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement.	

AMERICAN OVERSIGHT

	H	I	J
156		1/11/2022	1/11/2022
157		1/11/2022	1/11/2022
158		1/11/2022	1/11/2022
159		1/11/2022	1/11/2022
160		1/11/2022	1/11/2022
161		1/11/2022	1/11/2022
162		1/12/2022	1/13/2022
163		1/12/2022	1/13/2022
164		1/12/2022	
165		1/12/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E
166	RA	Primary		SB0265	Hashmi
167		Monitor		SB0270	Hashmi
168	LW	Primary		SB0275	DeSteph
169	RW	Primary		SB0276	Stanley
170	LR	Primary		SB0285	Ebbin
171	RA	Primary		SB0287	DeSteph
172	RW	Primary		SB0298	Deeds
173	LR	Comment		SB0356	Stuart
174	DEC	Primary		SB0483	McClellan
175	DEC	Primary		SB0529	Reeves
176		Monitor		SB0548	Chase

AMERICAN OVERSIGHT

	F	G
166	Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report. Requires the Department of Education, in coordination with the Department for the Deaf and Hard-of-Hearing, to (i) select, with input from an advisory committee that the bill establishes, language developmental milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.	
167	Administration of government; language access equity; report. Establishes the Interagency Language Access Working Group in the Office of the Director of Diversity, Equity, and Inclusion with the following membership: the Director of Diversity, Equity, and Inclusion, the Director of the Office of the Children's Ombudsman, the Governor's Secretaries, and six nonlegislative citizen members representing organizations that represent individuals with language access needs. The Working Group is established for the purpose of maximizing state policies, resources, technical assistance, and procurement practices to further language access and equity in the Commonwealth and its state government agencies. The bill also requires each state agency to designate a language access coordinator who will be responsible for the agency's annual language access report, the requirements of which are set out in the bill. The Secretary of Administration is directed to establish criteria for state agencies to procure language interpretation and translation services and to establish a policy for compensating multilingual state employees who are required as part of their job to provide interpretation, translation, or other bilingual skills at least once a month.	
168	Public school libraries; printed and audiovisual materials; selection, evaluation, checkout, and removal procedures. Requires each local school board to adopt policies that address the selection and evaluation of all printed and audiovisual materials purchased by, donated to, or otherwise made available to the school division that will be available to students in school libraries and requires such policies to contain clear procedures for (i) parental involvement in and a reasonable opportunity for public comment before the selection and evaluation of printed and audiovisual materials that will be available to students in school libraries; (ii) mandatory prior written parental consent before a student is permitted to check out from the school library any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law; and (iii) the removal from the school library of any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law.	
169	School boards; unexpended local funds; capital projects. Permits any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year. The bill is a recommendation of the Commission on School Construction and Modernization.	
170	High school interscholastic athletic competition; prevention of hate speech and ethnically or racially insensitive expressions. Requires the organization governing high school athletics and academic activities for public and approved nonboarding nonpublic high schools (the organization), with such funds as may be appropriated by the General Assembly for such purpose pursuant to the general appropriation act, to develop (i) rules and standards for the prevention of inequities involving the use of hate speech or ethnically or racially insensitive expressions during athletic and academic competitions sponsored by the organization's member schools, (ii) procedures for the enforcement of and penalties for the violation of such rules and standards, and (iii) training materials on such rules and standards. The bill requires each member school of the organization to abide by and implement such rules, standards, procedures, and penalties and ensure that each student who will participate in high school interscholastic athletic or academic competition, the parent of each such student, and each individual, whether paid or unpaid, who coaches a team that will participate in high school interscholastic athletic or academic competition receives and reviews such training materials. The bill requires the organization to make part of the process to become a registered official in good standing for any association offering services to the organization an education and training requirement that is consistent with the training materials developed by the organization. The bill has a delayed effective date of January 1, 2023.	
171	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	
172	Additional local sales and use tax to support schools. Adds the City of Charlottesville to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.	
173	Children's Services Act; special education programs. Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.	
174	Child abuse and neglect; limitations period on sexual abuse of a minor claims; background check and training requirements for youth sports coaches and staff. Eliminates the civil statute of limitations period for injury resulting from sexual abuse occurring during the infancy of the abused person and allows persons who have previously been time-barred from filing such an action due to the expiration of the limitations period in effect prior to July 1, 2022, to file such an action. The bill requires youth sports leagues to (i) require all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children to complete a fingerprint-based background check; (ii) provide to all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children and the parent of any child participating in the sports league written notice of the duty of all coaches, directors, and persons 18 years of age or older employed by or volunteering with the sports league to report suspected child abuse or neglect, information regarding how to report suspected child abuse or neglect, an explanation of the penalties that may be imposed for failure to file a required report, contact information for the local department of social services, and the telephone number for the Department of Social Services' toll-free child abuse and neglect hotline; and (iii) require all paid coaches, staff members, and employees who will be alone with, in control of, or supervising children to complete no less than four hours of training annually regarding child abuse prevention and response and require all volunteers who will be alone with, in control of, or supervising children to complete no less than two hours of training annually regarding child abuse prevention and response. The bill directs the Board of Education to promulgate regulations to implement the provisions of the bill and to develop and provide to sports leagues resources regarding child abuse prevention and response training opportunities.	Companion to HB1043 (Tran)
175	Board of Education; Child Care Subsidy Program; Armed Forces. Directs the Board of Education (the Board) to amend its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill.	
176	Virginia Human Rights Act; nondiscrimination in places of public accommodation; COVID-19 vaccination status. The bill prohibits discrimination in public accommodations on the basis of an individual as having received, received in part, or not received a vaccine for the prevention of COVID-19.	

AMERICAN OVERSIGHT

	H	I	J
166		1/12/2022	
167		1/12/2022	
168		1/12/2022	
169		1/12/2022	
170		1/12/2022	
171		1/12/2022	
172		1/12/2022	
173		1/12/2022	
174			
175			
176			

AMERICAN OVERSIGHT

	A	B	C	D	E
177		Primary		SB0558	Suetterlein
178	LR	Primary		SB0570	Kiggans
179	DEC	Primary		SB0574	Mason
180		Monitor		SB0582	Chase
181	RA	Primary		SB0595	Pillion
182	LR	Primary		SB0596	Pillion
183	RA	Primary		SB0600	Pillion
184		Monitor		SB0601	Chase
185	LW	Primary		SB0603	Stanley
186	JC	Primary		SB0608	Suetterlein
187	RA	Primary		SB0613	Stanley

AMERICAN OVERSIGHT

	F	G
177	Board of Education; evaluation of and recommendations for certain current and proposed policies and performance standards for public elementary and secondary schools. Requires the Board of Education to collaborate with the Superintendent of Public Instruction and the Secretary of Education to evaluate, to implement where possible, and to otherwise make recommendations to the General Assembly regarding the following goals: (i) promoting excellence in instruction and student achievement in mathematics, including elimination of the Virginia Mathematics Pathways Initiative and an evaluation of any other proposed changes to the Mathematics Standards of Learning, in advance of the next revision of such standards by the Board, to maintain and increase the rigor of mathematics instruction in public elementary and secondary schools and permit students demonstrating aptitude and high achievement in mathematics to accelerate their progress through core mathematics classes and concepts and take advanced mathematics courses before the eleventh grade; (ii) increasing the number of academic year Governor's Schools in the Commonwealth and maintaining standards of excellence for students in all such schools; (iii) preserving the Advanced Studies Diploma as an option for students in public high schools in the Commonwealth while maintaining or increasing course and credit requirements for such diploma; (iv) increasing the transparency and honesty of performance measures for public elementary and secondary schools in the Commonwealth and ensuring that such measures do not obscure or conceal disparities in performance among student groups; (v) ensuring that performance measures for public elementary and secondary schools prioritize the attainment of grade-level proficiency in reading and mathematics for all students, especially in grades kindergarten through five; (vi) ensuring that the Commonwealth's proficiency standards on Standards of Learning assessments in reading and mathematics are rigorous in comparison with assessments administered by other states and national assessments in reading and mathematics; and (vii) restoring a strong accreditation system that promotes meaningful accountability year-over-year. The bill requires the Secretary of Education and the Superintendent of Public Instruction, no later than November 30, 2022, to report to the chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such evaluation and recommendations to achieve such goals.	
178	Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited. Requires each public elementary or secondary school principal to ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, as that term is defined in the bill, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity.	Companion to HB1068 (Cordoza)
179	Child care; background checks. Allows applicants for employment and applicants to serve as volunteers to work in certain child day centers, family day homes, and family day systems pending the results of a full background check, provided that (i) the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation and (ii) the applicant is supervised at all times by a person who received a qualifying result on a full background check within the past five years.	
180	Virginia Human Rights Act; nondiscrimination in places of public accommodation and certain private establishments; face coverings. Prohibits discrimination in places of public accommodations including public and private elementary and secondary schools and institutions of higher education and certain private establishments because the individual is or is not wearing a face covering for the purpose of preventing the transmission of COVID-19.	
181	College partnership laboratory schools; application and establishment. Permits any public institution of higher education, private institution of higher education, or private business to apply to the Board of Education (the Board) to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school and no explicit provision is made for the conversion of an existing school. The bill requires the Board, in reviewing such applications, to give substantial preference to any application from a historically black college or university and any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board.	Companion to HB346 (Davis)
182	School attendance; 4-H educational programs and activities. Provides that students who miss a partial or full day of school while participating in 4-H educational programs and activities shall not be counted as absent for the purposes of calculating average daily membership and shall receive course credit in the same manner as they would for a school field trip. The bill directs each local school board to develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs and activities to not be counted absent.	Companion to HB246 (Kilgore)
183	School safety audits; law-enforcement officers. Requires each local school board to require its schools to fully collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. Under current law, the division superintendent is required to make the results of such audits available to the chief law-enforcement officer upon request, and his approval is not needed. The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee. Current law requires that the completed walk-through checklist be made available to the chief law-enforcement officer or his designee upon request.	Companion to HB1129 (Taylor)
184	COVID-19 immunization; prohibition on requirement; discrimination prohibited. Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person, including any child, to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status (i) with regard to education, employment, or issuance of a driver's license or other state identification or (ii) in numerous other contexts.	
185	Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. Requires the Board of Education (the Board) to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022. This bill is a recommendation of the Commission on School Construction and Modernization.	Companion to HB1100 (LaRock)
186	Public charter schools; applications; review and approval. Permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions.	Companion to HB344 (Davis)
187	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to multiple other bills

AMERICAN OVERSIGHT

	A	B	C	D	E
188	LW	Primary		SB0616	Lucas
189					
190					
191					
192					
193					
194					
195					
196					
197					
198					
199					
200					
201					
202					
203					
204					
205					
206					
207					
208					
209					
210					
211					
212					
213					
214					
215					
216					
217					
218					
219					
220					
221					
222					
223					
224					
225					
226					
227					

AMERICAN OVERSIGHT

	F	G
188	Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research. Makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking initial licensure with an endorsement in a certain area, including as a reading specialist, to demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the bill; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each school board to establish a divisionwide literacy plan; and (iv) each local school board to provide a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024—2025 school year.	Companion to HB319 (Coyner)
189		
190		
191		
192		
193		
194		
195		
196		
197		
198		
199		
200		
201		
202		
203		
204		
205		
206		
207		
208		
209		
210		
211		
212		
213		
214		
215		
216		
217		
218		
219		
220		
221		
222		
223		
224		
225		
226		
227		

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G
1	Owner	RA					
2	Count	42					
3	Owner	LAS Type	Bill No.	Patron	Summary	Notes	FIS
4	RA	Primary	HB0004	Wyatt	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to HB59, SB2, and SB36	
5	RA	Primary	HB0008	Anderson	School security officers; scope of employment; certain veterans. Provides that each school security officer, in addition to performing each enumerated duty, is responsible for carrying out any other duty assigned to him by the local school board. The bill permits any local school board or private or religious school to employ as a school security officer any veteran who has served a minimum of 10 years as an active duty member in the Armed Forces of the United States, received an honorable discharge or general discharge under honorable conditions from such service, and meets the Department of Criminal Justice Services' minimum certification and training requirements for school security officers.		
6	RA	Comment	HB0022	Walker	Fundamental right to be free from medical mandates. Declares that, except as otherwise provided by law, each adult has a fundamental right to be free from medical mandates of the Commonwealth or any locality, private employer, health care entity or provider, or provider of public accommodations. The bill defines "medical mandate" as any affirmative requirement by the Commonwealth or any locality, private employer, health care entity or provider, or provider of public accommodations for an individual to undergo or participate in a health-related test, procedure, tracking or monitoring program, or bodily insertion or injection of any drug or the wearing of any medical equipment or apparel. The bill provides that it shall be no less a medical mandate for such entities to condition an individual's receipt of otherwise ordinary services, benefits, or employment upon the performance or acquiescence of undergoing or participating in a health-related test, procedure, tracking or monitoring program, or bodily insertion or injection of any drug or the wearing of any medical equipment or apparel. The bill sets out exceptions, including protocols in health care facilities and food handling operations and valid orders of quarantine or isolation.		
7	RA	Primary	HB0037	Anderson	School boards; school resource officers; employment; threat assessment. Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public middle and high school in the local school division and at least one school resource officer per five public elementary schools in the local school division, who is required to serve in each such elementary school on a rotating basis. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school.		
8	RA	Primary	HB0059	McGuire III	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to HB4, SB2 and SB36	
9	RA	Primary	HB0089	Walker	Disorderly conduct in public places.		
10	RA	Comment	HB0159	Byron	Emergency custody and temporary detention orders; custody. Requires a facility or location to which a minor or adult who is subject to an emergency custody or temporary detention order is transported to accept custody of the minor or adult upon completion of transportation and arrival of the minor or adult at the facility and specifies that the primary law-enforcement agency shall provide transportation of a person who is involved in the involuntary commitment process, rather than a sheriff, as provided under current law .	Check with SESS to see if this impacts SOPs in detention or mental health facilities and if so, it requires a comment	
11	RA	Primary	HB0215	Robinson	School Health Advisory Board. Establishes the School Health Advisory Board in the executive branch to advise the General Assembly and the Governor on pending or proposed legislation concerning the role of employees in public elementary or secondary schools in providing health care services at such schools and provide guidance on any associated training requirements.	Similar to SB62 (Favola)?	
12	RA	Primary	HB0308	Ransone	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to multiple other bills	
13	RA	Primary	HB0346	Davis	College partnership laboratory schools; application and establishment. Permits any public institution of higher education, private institution of higher education, or private business to apply to the Board of Education (the Board) to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school and no explicit provision is made for the conversion of an existing school. The bill requires the Board, in reviewing such applications, to give substantial preference to any application from a historically black college or university and any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board.		
14	RA	Comment	HB0427	Herring	Children's Services Act; community policy and management teams and family assessment and planning teams; parent representative. Provides that the parent representative member of the community policy and management team and the family assessment and planning team shall be a caregiver of a child who has previously received child welfare, juvenile justice, special education, or behavioral health services, including a foster parent. The bill also eliminates the prohibition on allowing a person who is employed by a public or private program that receives Children's Services Act funds or that is represented on the community policy and management team or the family assessment and planning team who interacts directly with children on a regular basis or supervises employees who do to serve as the parent representative.		

AMERICAN OVERSIGHT

VA-22-0316-A-000687

	H	I	J
1			
2			
3	Added	Assigned	Drafter Notes
4	12/6/2021	1/6/2022	
5	12/21/2021		
6	1/5/2022		
7	1/3/2022	1/6/2022	
8	1/4/2022	1/7/2022	
9	1/8/2022	1/9/2022	
10	1/12/2022		
11	1/12/2022		
12	1/12/2022	1/13/2022	
13	1/12/2022		
14	1/12/2022		

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G
15	RA	Primary	HB0511	March	Students who receive home instruction; participation in interscholastic programs. Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is a person of school age for whom public school is free; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including fees to cover the costs of additional insurance, uniforms, and equipment and fees for facility upkeep and facility maintenance. The bill has an expiration date of July 1, 2027.		
16	RA	Comment	HB0514	March	Prohibition on mask mandates. Prohibits the Board of Health, Commissioner of Health, and Governor from issuing any rule, regulation, or order that requires (i) individuals to wear masks or other face coverings or (ii) businesses to require customers to wear masks or other face coverings while on the premises of such business and prohibits any local school board from requiring any student enrolled at a public elementary or secondary school in the local school division to wear a mask, face covering, or other covering of the student's nose and mouth at school, on a school bus, or at a school-sponsored activity.	Companion to HB1038. Inform VDH when comment is available on ELAS.	
17	RA	Primary	HB0522	March	Students who receive home instruction; participation in interscholastic programs. Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is a person of school age for whom public school is free; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2027.	Difference from HB511?	
18	RA	Primary	HB0547	Hudson	Department of Education; statewide strategic plan; speech-language pathologists. Requires the Department to develop and maintain a statewide strategic plan for recruiting and retaining speech-language pathologists that, at a minimum, (i) analyze data to determine the specific staffing needs of local school divisions on an ongoing basis; (ii) evaluates the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for speech-language pathologists, and the expansion of speech-language pathologist mentorships; and (iii) estimates the costs of implementing each such strategy, including the extent to which federal funds could be used to support implementation. The bill requires the Department, no later than November 1 of each year, to update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also directs the Department of Education and the Board of Education, in consultation with each local school board, to (a) examine the caseloads and compensation of speech-language pathologists in each local school division, (b) compare such caseloads and compensation to those of speech-language pathologists in contiguous states, and (c) make recommendations to the Governor and the General Assembly no later than November 1, 2022, for such amendments to relevant law and the general appropriations act as may be necessary to effectuate a reduction in caseloads and increase in compensation that would facilitate stronger recruitment and retention of speech-language pathologists in public elementary and secondary schools in the Commonwealth.		
19	RA	Primary	HB0649	Carr	Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report. Requires the Department of Education, in coordination with the Department for the Deaf and Hard-of-Hearing, to (i) select, with input from an advisory committee that the bill establishes, language developmental milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.		
20	RA	Primary	HB0650	Kory	School boards; school consolidation and redistricting and pupil assignment; access to advanced academic programs. Requires a school board to demonstrate in advance that the consolidation of schools, redistricting of school boundaries, or adoption of a pupil assignment plan will maintain or increase equitable student access to advanced academic programs.		
21	RA	Primary	HB0688	Kory	School boards; production of public records; fee schedules. Requires each school board to develop and post or otherwise make publicly available a fee schedule governing charges for the release of public records to be used by each school within its school division when responding to requests for public records pursuant to the Virginia Freedom of Information Act. The bill requires such fee schedule to be based on the most recent estimate of the aggregate costs incurred by each school within a school board's division in accessing, duplicating, supplying, or searching for requested public records. Finally, the bill provides that a school board shall review and update the fee schedule at least annually.		
22	RA	Primary	HB0741	Bell	Annual public elementary and secondary school safety audits; creation or review of school building floor plans required. Requires each local school board, as part of each annual school safety audit, to create a detailed and accurate floor plan for each public school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate but provides that such floor plan may be withheld from public disclosure.		

AMERICAN OVERSIGHT

	H	I	J
15	1/12/2022	1/12/2022	
16	1/12/2022		
17	1/12/2022	1/12/2022	
18	1/12/2022	1/12/2022	
19	1/12/2022	1/13/2022	
20	1/12/2022	1/13/2022	
21	1/12/2022	1/13/2022	
22	1/12/2022	1/13/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G
23	RA	Primary	HB0784	LaRock	Home instruction and private school tax credit. Creates an individual, nonrefundable income tax credit for taxable years 2022 through 2026, for amounts paid by the parent or legal guardian of a child for the child's home instruction expenses or tuition for attending an accredited private school in Virginia. The credit shall equal the lesser of the amount actually paid in the taxable year for such costs or half of the average state standards of quality funding per student per year. The credit may be taken for instruction-related materials, courses, or programs used in home instruction or for private school tuition. The credit is available for two years per child and can be carried forward for five taxable years.		
24	RA	Primary	HB0829	Wilt	School counselors; staffing ratios; flexibility. Permits school boards to fulfill the staffing ratio requirements for school counselors by employing other licensed counseling professionals or providing other licensed counseling professionals through contracted services.		
25	RA	Primary	HB0863	Reid	Local law enforcement; certain reports to school principals and division superintendents; form and scope. Requires local law-enforcement authorities to report in writing, and the principal or his designee and the division superintendent to receive each such report, on (i) any suspected offense, offense for which any charge has been filed, or offense that is subject to investigation, that was committed by a student enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving certain enumerated incidents, and (ii) whether the student is released to the custody of his parent or, if 18 years of age or older, is released on bond. Current law does not require such reports to be in writing and only applies to student offenses but does not specify whether such reports are required to be made for student offenses that are suspected, charged, or subject to investigation.		
26	RA	Primary	HB0873	Greenhalgh	School boards; school resource officers; employment; threat assessment. Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public elementary and secondary school in the local school division. The bill provides that no school board shall be granted any full or partial waiver from such staffing requirements and that no school board that fails to fully comply with such staffing requirements is eligible for any grant or waiver from the Commonwealth, Board of Education, or Department of Education. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school.		
27	RA	Primary	HB0985	Anderson	School principals; incident reports; violent offenses. violent offenses. Requires that school principals report to law enforcement any felony offenses and violent offenses enumerated in the bill that may constitute a criminal offense. Under the bill, principals have discretion to report certain non-violent crimes to law enforcement. Under current law, principals are required to make such reports to law enforcement only for such acts that may constitute a felony offense.	Similar to other incident reporting bills	
28	RA	Primary	HB0988	Wyatt	Treatment of transgender students; model policies. Eliminates the requirement that each school board adopt policies that are consistent with the model policies developed by the Department of Education concerning the treatment of transgender students in public elementary and secondary schools. The bill also removes the requirement for such model policies to include information, guidance, procedures, and standards relating to the use of school facilities, requires the Department to amend its model policies to remove any such information, guidance, procedures, or standards, and requires the Department to make such amended model policies available to each school board no later than the beginning of the 2022%962023 school year.	Companion to SB20 (Hackworth)	
29	RA	Primary	HB1022	Guzman	Certain public elementary and secondary school students; excused absences; attendance at pow wow. Provides that, subject to guidelines established by the Department of Education, any student who is a member of a state-recognized or federally recognized tribal nation that is headquartered in the Commonwealth and who is absent from school to attend such tribal nation's pow wow gathering shall be granted an excused absence.		
30	RA	Primary	HB1034	Ransone	Department of Education; school boards; guidelines for the provision of counseling services in public schools. Requires the Department of Education to develop and each local school board to adhere to guidelines for the provision of counseling services in public schools, which shall include (i) provisions for parental consent; written parental notification; parental involvement, as appropriate; and confidentiality; (ii) procedures by which a parent may limit or prohibit his child's participation; (iii) appropriate exceptions to the procedures by which a parent may limit or prohibit his child's participation such as imminent need, health, or safety or maintaining order in the school; and (iv) any other provision deemed necessary by the Department.		
31	RA	Primary	HB1036	LaRock	Local school boards; requirement for students to wear masks or other face coverings; evidentiary substantiation. Prohibits any local school board from requiring any student enrolled at a public elementary or secondary school in the local school division to wear a mask, face covering, or other covering of the student's nose and mouth at school, on a school bus, or at a school-sponsored activity unless the local school board substantiates such requirement with evidence that (i) such requirement is necessary to suppress a nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health; (ii) no reasonable alternatives to such requirement exist in light of the impact on quality of life and economic well-being; and (iii) such requirement is narrowly tailored to address the nuisance dangerous to the public health or the communicable, contagious, or infectious disease or other danger to the public life and health.		
32	RA	Primary	HB1047	Tran	Students who need or use augmentative and alternative communication; instruction; eligibility; staff training. Provides that no student who needs or uses augmentative and alternative communication (AAC), which the bill defines as any device, tool, support, or service, or any combination thereof, that facilitates any form of communication, other than oral speech, that can be used to express thoughts, needs, wants, and ideas, shall be denied the opportunity for inclusion in regular classrooms or the provision of age-appropriate instruction on the basis that such student may require support with AAC. The bill prohibits any individualized education program team, member of such team, or school division employee from utilizing the results of any intelligence quotient test or any other test to measure intelligence or cognitive ability to determine a student with a disability's eligibility to be provided with and use AAC at school. The bill requires each school division to document on the individualized education program of a student with a disability who needs or uses AAC, beginning prior to the provision of instruction or support to the student, including any extended school year period, the student's AAC and communication access and support needs, including, as appropriate, individualized training as an assistive technology service for each school division employee or contractor who provides instruction or direct support to such student, to support the student's use of AAC and to ensure that curricula and instruction are designed or adapted as necessary to accommodate the student's unique communication access needs.		

AMERICAN OVERSIGHT

VA-22-0316-A-000691

	H	I	J
23	1/12/2022	1/13/2022	
24	1/12/2022		
25	1/12/2022		
26	1/12/2022		
27	1/12/2022		
28	1/12/2022		
29	1/12/2022		
30	1/12/2022		
31	1/12/2022		
32	1/12/2022		

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G
33	RA	Primary	HB1124	Anderson	Board of Education; school boards; codes of student conduct; contents. Requires the Board of Education's guidelines and model policies for codes of student conduct to include a requirement that any code of student conduct is enforced and any student behavioral intervention or disciplinary method or measure is utilized in a fair, proportional, unbiased, and neutral manner, for the sole purpose of maintaining safe learning environments, and with full and sole consideration of the student's behavior and with no consideration of any individual immutable characteristic of the student such as the student's sex or race. The bill requires each school board to establish and continuously maintain a system of fair, proportional, unbiased, and neutral student behavioral intervention and discipline and prohibits any school board from establishing or maintaining any system of student behavioral intervention or discipline, including positive behavioral interventions and supports or any substantially similar disciplinary method, that targets or differentiates student behavioral interventions or disciplinary methods or measures based on any factor other than the student's behavior.		
34	RA	Primary	HB1125	Anderson	School boards; parental notification of certain threats, behavior, and unlawful acts; panic alarms. Requires, within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing, each division superintendent to notify the parent of each student enrolled in the relevant school of such threat, threatening or aberrant behavior, or unlawful act. The bill requires each school board to equip each public elementary and secondary school building in the local school division with at least one panic alarm that adheres to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories, and is installed by a licensed and qualified professional. The bill defines "panic alarm" as a silent security system by which the user manually activates a device that sends a non-audible signal to the local law-enforcement agency that indicates a school security emergency, including a non-fire evacuation, lockdown, or active shooter situation, that requires immediate response and assistance from such agency.		
35	RA	Primary	HB1126	Avoli	Public education; parental rights; access to certain facilities and accommodations; instructional content; bullying. Declares that the parent of any student enrolled in a public elementary or secondary school in the Commonwealth has the right to (i) obtain and review any educational material and curriculum utilized in any class or course in which the student is enrolled; (ii) opt his child out of any class or course activity, lesson, or reading assignment or the use of any audiovisual material or library book to which the parent objects; (iii) easily access a list of the title and author of each book in each classroom and each library in the school in which the student is enrolled; (iv) receive notice of and attend any public meeting of the school board governing the local school division in which the student is enrolled; (v) review the annual school division budget and expenditures; (vi) send his child to attend school in a safe environment; and (vii) be updated by the school principal on any violent activity in the school in which the student is enrolled. The bill requires each school board to adopt policies to require each student and school board employee to have access to restrooms, locker rooms, and other changing facilities in public school buildings that are shared only by members of the same biological sex; lodging accommodations during school-sponsored trips that are shared only by members of the same biological sex; and a single-user restroom, locker room, or other changing facility in a public school building, upon request, if the school can reasonably accommodate such a request. The bill also prohibits any school board employee or individual who provides any school-sponsored program from teaching or promoting to any student or school board employee the concept that (a) any race is inherently superior or inferior; (b) any individual is racist, privileged, oppressive, biased, or responsible for actions committed by others of the same race or skin color by virtue of the individual's race or skin color; (c) the United States is fundamentally racist; or (d) market-based economics is inherently racist. The bill finally requires each school board to implement policies and procedures to educate school board employees about bullying and the need to create a school environment in which all individuals are treated with dignity and respect and any incident of bullying is taken seriously and handled in a robust manner.		
36	RA	Primary	HB1129	Taylor	School safety audits; law-enforcement officers. Requires each local school board to require its schools to fully collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. Under current law, the division superintendent is required to make the results of such audits available to the chief law-enforcement officer upon request, and his approval is not needed. The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee. Current law requires that the completed walk-through checklist be made available to the chief law-enforcement officer or his designee upon request.		
37	RA	Primary	SB0002	Cosgrove	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to HB4, HB59, and SB36	
38	RA	Primary	SB0020	Hackworth	Treatment of transgender students; model policies. Eliminates the requirement that each school board adopt policies that are consistent with the model policies developed by the Department of Education concerning the treatment of transgender students in public elementary and secondary schools.	Response to HB145/SB161 (2020).	
39	RA	Primary	SB0036	Norment	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to HB4, HB59, and SB2	
40	RA	Primary	SB0125	Obenshain	Public schools; regional charter school divisions. Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school.		

AMERICAN OVERSIGHT

	H	I	J
33	1/12/2022		
34	1/12/2022		
35	1/12/2022		
36	1/12/2022		
37	11/15/2021	1/7/2022	
38	12/27/2021	1/7/2022	
39	1/7/2022	1/7/2022	
40	1/11/2022	1/11/2021	

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G
41	RA	Primary	SB0265	Hashmi	Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report. Requires the Department of Education, in coordination with the Department for the Deaf and Hard-of-Hearing, to (i) select, with input from an advisory committee that the bill establishes, language developmental milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.		
42	RA	Primary	SB0287	DeSteph	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.		
43	RA	Primary	SB0595	Pillion	College partnership laboratory schools; application and establishment. Permits any public institution of higher education, private institution of higher education, or private business to apply to the Board of Education (the Board) to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school and no explicit provision is made for the conversion of an existing school. The bill requires the Board, in reviewing such applications, to give substantial preference to any application from a historically black college or university and any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board.	Companion to HB346 (Davis)	
44	RA	Primary	SB0600	Pillion	School safety audits; law-enforcement officers. Requires each local school board to require its schools to fully collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. Under current law, the division superintendent is required to make the results of such audits available to the chief law-enforcement officer upon request, and his approval is not needed. The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee. Current law requires that the completed walk-through checklist be made available to the chief law-enforcement officer or his designee upon request.	Companion to HB1129 (Taylor)	
45	RA	Primary	SB0613	Stanley	School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.	Companion to multiple other bills	

AMERICAN OVERSIGHT

	H	I	J
41	1/12/2022		
42	1/12/2022		
43			
44			
45			

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G	H
1	Owner	EC						
2	Count	34						
3	Owner	LAS Type	Bill No.	Patron	Summary	Notes	FIS	Added
4	EC	Primary	HB0009	Ware	Public school teachers; probationary term of service, grounds for dismissal, and dismissal hearings. Permits each school board to extend for up to two additional years the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing.	Companion to SB178 (Peake)		12/21/2021
5	EC	Comment	HB0027	Anderson	COVID-19 vaccination status; mandatory COVID-19 vaccination prohibited; discrimination prohibited. Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status with regard to education or public employment and in numerous other contexts.	Feedback provided by Sam on 1/7/22		12/31/2021
6	EC	Comment	HB0128	Davis	Virginia Diverse Educator Scholarship Fund and Program established. Establishes the Virginia Diverse Educator Scholarship Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of annually providing to each Historically Black College or University in the Commonwealth (defined in the bill as Hampton University, Norfolk State University, Virginia State University, and Virginia Union University) such sums as are necessary for each such institution to annually provide renewable scholarships on a competitive basis to two students who (i) attended a a public elementary or secondary school in the Commonwealth in which at least 75 percent of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services; (ii) are accepted to or enrolled in such institution's education preparation program; and (iii) are eligible for a federal Pell Grant to attend such institution. The bill provides that each such scholarship would consist of the following sums: (a) the cost of tuition, mandatory fees, room and board, and textbooks at such institution; (b) the recipient's teacher licensure fees; (c) $5,000 toward teacher professional development activities for the recipient, including coursework, seminars, and conferences; and (d) $10,000 toward mentorship of the recipient by a master teacher, defined as an experienced public elementary or secondary school teacher who is deemed by the relevant school board to be highly effective and able to provide high quality mentorship. The bill requires each student who is awarded a scholarship pursuant to the Program to agree in writing to (1) teach in a public elementary or secondary school in the Commonwealth in which at least 75 percent of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services upon graduation for a period that is at least as long as the period during which the recipient used scholarship funds to attend a Historically Black College or University and (2) be mentored by a master teacher during such period of employment.			1/8/2022
7	EC	Primary	HB0197	Webert	Public elementary and middle schools; student growth assessments; alternatives. Permits any school board to utilize the NWEA MAP Growth assessment program as an alternative to the through-year growth assessment system established by the Board of Education for the administration of reading and mathematics assessments in grades three through eight, provided that such program is aligned to the Standards of Learning.			1/11/2022
8	EC	Primary	HB0230	Coyner	Applications for teacher licensure by reciprocity; military spouses; timeline for determination. Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet.	Companion to SB154 (Locke)		1/11/2022
9	EC	Primary	HB0236	Orrock	Board of Education; authority to temporarily extend certain teachers' licenses. Permits the Board of Education to grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its statutory authority whose license expires on June 30, 2022, in order to provide the individual with sufficient additional time to complete the requirements for licensure renewal.	Similar to HB1776 (2021)		1/11/2022

AMERICAN OVERSIGHT

VA-22-0316-A-000697

	I	J
1		
2		
3	Assigned	Drafter Notes
4	1/7/2022	
5		
6		
7	1/11/2022	
8	1/12/2022	
9	1/12/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G	H
10	EC	Primary	HB0271	Byron	Local school boards and comprehensive community colleges; compensation structure for adjunct instructors; noncredit workforce credentials. Requires local school boards and comprehensive communities colleges to enter into local or regional agreements for the establishment and implementation of a competitive compensation structure to recruit and retain adjunct instructors to be jointly compensated by the relevant school boards and colleges to prepare both high school students and college students to earn noncredit workforce credentials, as that term is defined in relevant law.			1/11/2022
11	EC	Primary	HB0313	Krizek	Public school buses; seat belts. Requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2040, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.			1/12/2022
12	EC	Primary	HB0362	Subramanyan	Department of Education; local school boards; instruction on climate change. Requires the Department of Education, in collaboration with environmental groups and other relevant state agencies such as the Department of Environmental Quality and the Department of Health and to assist local school boards in the implementation of programs of instruction that comply with the requirements relating to the Standards of Learning, specifically relating to citizenship and environmental issues and geography necessary for responsible participation in American society and the international community, to develop, no later than July 1, 2023, an interdisciplinary program of instruction on the causes of and potential solutions for climate change. The bill requires each local school board to incorporate, during the 2024%962025 school year, such program of instruction into curricula and instruction in the local school division in each core academic subject area at the grade levels that it deems most appropriate. The bill requires the Department of Education to implement and oversee a one-year pilot program to provide training and technical assistance to a diverse cross section of local school boards to implement such program of instruction in the local school division during the intervening 2023%962024 school year between the development and full local implementation of such program of instruction.			1/12/2022
13	EC	Primary	HB0363	Frietas	Certain school board employees; dismissal; grounds; continuing contract study; report. Prohibits school board employees who are not required to hold a valid license issued by the Board of Education and public school teachers from being dismissed based on a last-hired, first-fired dismissal policy or any other similar policy that mandates that, when considering more than one such employee for dismissal, the seniority of each such employee shall be the sole determinative factor in the dismissal decision. The bill also requires the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health, in consultation with local school boards, to study and make recommendations to the General Assembly no later than November 1, 2022, regarding effective, alternative ways in which the performance of teachers may be evaluated for the purpose of awarding or rescinding continuing contract status.			1/12/2022
14	EC	Primary	HB0418	Delaney	Public elementary and secondary education; at-risk add-on funds; Reading Recovery. Removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.			1/12/2022
15	EC	Comment	HB0419	Delaney	Institutions of higher education; education preparation programs; coursework; audit. Requires each education preparation program offered by a public institution of higher education or private institution of higher education that provides training for any student seeking initial licensure by the Department of Education to (i) include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction and require such program of coursework and the student mastery required to be demonstrated therein to be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent literacy experts and stakeholders with knowledge of science-based reading research and evidence-based literacy instruction that has reviewed the relevant regulations and (ii) for any such student seeking initial licensure by the Department of Education as a teacher with an endorsement in early childhood, elementary education, or special education or with an endorsement as a reading specialist ensure that reading course work and field practice opportunities are a significant focus of the education preparation program. The bill requires the Department of Education to audit at least once every five years each education preparation program for compliance with such requirements.			1/12/2022
16	EC	Primary	HB0433	Bulova	Certain Standards of Learning assessments; method of administration. Requires (i) the reading and mathematics Standards of Learning assessments in grades three through eight and the science assessments administered to students in grade five and after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight to be traditional achievement tests and (ii) the Virginia Studies and Civics and Economics assessments to be performance based and to measure the test taker's ability to apply the skills and knowledge learned in the class. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also requires the Department of Education, with such funds as may be appropriated for such purpose pursuant to the general appropriation act, to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and align with the Department's Virginia Quality Criteria Review Tool for Performance Assessments.			1/12/2022

AMERICAN OVERSIGHT

VA-22-0316-A-000699

	I	J
10	1/12/2022	
11	1/13/2022	
12	1/13/2022	
13	1/13/2022	
14	1/13/2022	
15		
16	1/13/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G	H
17	EC	Primary	HB0535	Clark	Teacher compensation; at or above national average. Requires that public school teachers be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a 4.5 percent annual increase for public school teacher salaries, effective from the 2023-24 school year through the 2027-28 school year. The bill has a delayed effective date of July 1, 2023.			1/12/2022
18	EC	Primary	HB0581	VanValkenbu	Local school boards; teacher career ladder compensation programs. Requires each local school board to establish a teacher career ladder compensation program (program) whereby each rung on the ladder corresponds to a specific teacher career and compensation level as determined by the local school board. The bill requires each local school board to design and implement its own program, provided, however, that each program shall include the following principles and components: (i) each teacher shall provide increasing levels of student academic progress as measured by objective criteria before the teacher progresses to the next rung of the ladder; (ii) each teacher shall demonstrate improvement in teaching skills before the teacher progresses to the next rung of the ladder; (iii) each teacher shall assume additional teaching and other responsibilities such as curriculum development, team teaching, mentoring, and professional development activities before the teacher progresses to the next rung of the ladder; (iv) the local school board is responsible for providing teachers in the program with appropriate professional growth and development opportunities; and (v) the local school board shall ensure that equal pay is provided to teachers in the program who are performing at the same level. The bill provides that teacher participation in a teacher career ladder compensation program is optional and any teacher may opt to be compensated pursuant to the local school board's standard salary scale.			1/12/2022
19	EC	Primary	HB0585	VanValkenbu	Middle and high school end-of-course assessments; number and type. Requires, except for those middle and high school students with significant cognitive disabilities who participate in an alternate assessment, each student in middle and high school to take only those end-of-course Standards of Learning assessments necessary to meet federal accountability requirements and Virginia high school graduation requirements. The bill requires the Department of Education, in addition to such assessments, to develop or adopt and require each high school student to take, during junior year or at such other time as may be appropriate, statewide skills-based and performance-based end-of-course assessments in biology and U.S. history that are aligned to the Standards of Learning for each such subject. The bill requires each such assessment to be graded by the Department of Education according to statewide grading rubrics. The bill requires student performance on each such assessment to account for 10 percent of the student's final grade in each such course. The foregoing provisions of the bill have a delayed effective date of July 1, 2027, and the bill provides that the first such assessments shall be administered during the spring of the 2027–2028 school year. The bill further requires the Department of Education to (i) semiannually publish on a publicly accessible portion of its website sample statewide skills-based and performance-based end-of-course assessments in biology and U.S. history during the 2022–2023 through 2026–2027 school years and (ii) annually administer a pilot program during the 2023–2024 through 2026–2027 school years whereby it administers skills-based and performance-based end-of-course assessments in biology and U.S. history to high school juniors in select school divisions to determine the validity of such assessments and make such adjustments as may be necessary before the first such assessments are administered statewide during the spring of the 2027–2028 school year.			1/12/2022
20	EC	Primary	HB0785	LaRock	Family life education curriculum guidelines; human reproduction; viewing of ultrasound video recording. Requires the instruction on human reproduction contained in the Board of Education's family life education curriculum guidelines to include the viewing of a video recording of an ultrasound of a live unborn human in the uterus.			1/12/2022
21	EC	Primary	HB0787	LaRock	Training or instruction on certain concepts in public elementary and secondary education; declaration as unlawful and discriminatory practice. Declares it an unlawful and discriminatory practice for any local school board or employee or contractor thereof to train or instruct any individual on any divisive concept, as defined in the bill, for the purpose of promoting and encouraging such individual to adopt or believe such concept. The bill requires the Department of Education to establish model policies for the prevention of such unlawful and discriminatory practice and each local school board to adopt policies that are consistent with but may be more comprehensive than the model policies established by the Department.			1/12/2022
22	EC	Primary	HB0789	LaRock	Family life education programs; student participation; summaries. Prohibits any public elementary or secondary school student from participating in any family life education program without the prior written consent of his parent. The bill requires the summary that is required to be posted and distributed to parents for each such program to include contact information for the individual or office responsible for maintaining printed and audio-visual program materials.			1/12/2022

AMERICAN OVERSIGHT

VA-22-0316-A-000701

	I	J
17	1/12/2022	
18	1/13/2022	
19	1/13/2022	
20	1/13/2022	
21	1/13/2022	
22	1/13/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G	H
23	EC	Primary	HB0915	Orrock	Required immunizations; regulations. Provides that a parent, guardian, or person standing in loco parentis of each child in the Commonwealth shall cause such child to be vaccinated in accordance with the Regulations for the Immunization of School Children of the State Board of Health (the Board) and that regulations of the Board setting forth such requirements shall be subject to the Administrative Process Act. Currently, a parent, guardian, or person standing in loco parentis of a child shall cause such child to be vaccinated in accordance with the Immunizations Schedule developed and published by the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices, American Academy of Pediatrics, and American Academy of Family Physicians, and any regulations of the Board setting forth requirements related to vaccines are exempt from the Administrative Process Act. The bill also provides that no regulation of the Board of Health setting forth requirements related to vaccines shall become effective until after the next regular session of the General Assembly following the date on which the final adopted regulation is published in the Virginia Register of Regulations.			1/12/2022
24	EC	Primary	HB0977	McGuire III	Public elementary and secondary education; school boards and employees; promotion of diversity and respect. Requires each local school board and employee thereof to promote (i) diversity and respect, with the understanding that all individuals are created equal and diversity is a strength of the United States, and (ii) the concept that all cultures have contributed greatly to the rich history of the United States and the way of life that Americans enjoy today. The bill prohibits any local school board or employee thereof from training, teaching, or promoting to enrolled students or school board employees the concept that (a) any race is inherently superior or inferior to any other race; (b) any individual, by virtue of his race or skin color, is inherently racist, privileged, or oppressive, whether consciously or unconsciously; (c) any individual, by virtue of his race or religion, bears responsibility for the actions committed by other members of his race or religion; (d) any individual's moral character is determined by his race; (e) the United States is a fundamentally or systemically racist country; or (f) capitalism is an inherently racist economic system.			1/12/2022
25	EC	Primary	HB0979	Tran	Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States. Requires the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who holds a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license.	Similar to SB68 (Favola)		1/12/2022
26	EC	Primary	HB1005	Guzman	Public school teachers; continuing contract; resignation. Declares a public school teacher employed after completing the probationary period to be entitled to a continuing contract whereby the contract continues in effect for the ensuing year in conformity with local salary stipulations, including increments, provided, however, that such teacher may be dismissed for any cause set forth in relevant law and in accordance with the procedures set forth in relevant law. Current law declares any such teacher to be entitled to such a continuing contract during good behavior and competent service. The bill requires a public school teacher who seeks to resign from a continuing contract (i) for the ensuing school year to give written notice of such resignation on or before June 15 of the current school year or (ii) in effect for the current school year or for the ensuing school year after June 15 of the current school year to request release from the contract at least two weeks in advance of intended date of resignation and requires such request to be in writing and to set forth the cause of resignation. Current law requires written notice of noncontinuation of a continuing contract by either party to be given by June 15 of each year and permits a teacher to resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent if the teacher requests release from the contract in writing at least two weeks in advance of the intended date of resignation and sets forth the cause of resignation. The bill also provides that if the school board has not authorized the division superintendent to approve resignations of teachers with continuing contracts, the school board shall decide whether to accept or reject the resignation of such a teacher.			1/12/2022
27	EC	Primary	HB1023	Guzman	Certain family life education curricula; optional instruction on human trafficking. Permits any family life education curriculum offered by a local school division before high school to incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of human trafficking of children.			1/12/2022
28	EC	Primary	HB1032	LaRock	Superintendent of Public Instruction and local school boards; standards for certain public school library materials; parental review of library and other educational materials. Requires the Superintendent of Public Instruction to develop and distribute to each local school board and each such school board to enforce throughout the local school division mandatory statewide standards for evaluating, classifying, and removing from any public elementary or secondary school library any explicit material. The bill also permits the Office of the Attorney General to enforce compliance with such standards in any local school division. The bill also establishes means and processes for the review of education materials and the review and approval of library materials by parents, including requiring the parents of all students who attend a public elementary or secondary school to comprise the Parental Review and Approval Committee for such school and requiring such Committee to review and vote to approve or disapprove of each item on a list of proposed library materials distributed to it by the school.			1/12/2022

AMERICAN OVERSIGHT

VA-22-0316-A-000703

	A	B	C	D	E	F	G	H
29	EC	Primary	HB1093	Batten	Public elementary and secondary education; school boards and employees; cultural competency training; evaluations. Requires the evaluation of each public school teacher and principal and division superintendent to include an evaluation of cultural competency if the relevant local school board has adopted and implemented policies to require cultural competency training. Under current law, such an evaluation of cultural competency is required and not conditioned upon any such action of the local school board. The bill permits any school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board of Education to complete cultural competency training, in accordance with guidance issued by the Board of Education, at least every two years, but only after providing 30 days' advanced written notice of and holding a public hearing regarding the adoption and implementation of such policies. Current law requires such cultural competency training and makes no provision for such notice and public hearing.			1/12/2022
30	EC	Primary	HB1110	Maldonado	Local school boards; grievance procedure for certain employees; timing of resolution of certain disputes. Requires each local school board's grievance procedure for school board employees, except the division superintendent, principals, assistant principals, teachers, supervisors, and other employees required to be licensed by the Board of Education, to afford a timely and fair method of the resolution of disputes arising between the school board and such employees before dismissal or other disciplinary actions, excluding suspensions. Current law requires such grievance procedures to afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding, but not before, dismissal or other disciplinary actions, excluding suspensions.			1/12/2022
31	EC	Primary	HB1135	Bourne	Standards of Quality; work-based learning; teacher leaders and mentors; principal mentors; certain personnel positions and initiatives. Makes several changes to the Standards of Quality, including requiring the establishment of units in the Department of Education to oversee work-based learning and principal mentorship statewide and requiring the Board of Education to establish and oversee the local implementation of teacher leader and teacher mentor programs in Standard 5. The bill also makes several changes relating to school personnel in Standard 2, including (i) establishing schoolwide ratios of students to teachers in certain schools with high concentrations of poverty and granting flexibility to provide compensation adjustments to teachers in such schools; (ii) requiring each school board to assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all schools in the local school division; (iii) requiring each school board to employ teacher leaders and teacher mentors at specified student-to-position ratios; (iv) requiring state funding in addition to basic aid to support at-risk students and granting flexibility in the use of such funds by school boards; (v) lowering the ratio of English language learner students to teachers; (vi) requiring each school board to employ reading specialists and establishing a student-to-position ratio for such specialists; (vii) requiring school boards to employ one full-time principal in each elementary school; (viii) lowering the ratio of students to assistant principals and school counselors in elementary, middle, and high schools; and (ix) increasing from at least three to at least four the required number of specialized student support positions, including school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, per 1,000 students.			1/13/2022
32	EC	Monitor	SB0018	Cosgrove	Virginia Retirement System; retired law-enforcement officers employed as school security officers. Provides that if a retired law-enforcement officer was employed by a local school division as a school security officer on January 1, 2020, and had a bona fide break in service of at least one month between retirement and employment as a school security officer, such person is not required to establish a 12-month break in service that would otherwise be required by law.	SESS indicated no comment LAS required.		12/31/2021
33	EC	Primary	SB0068	Favola	Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States. Requires the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who holds a valid and officially issued and recognized license or certification to teach outside of the United States but does not meet the requirements for a renewable license.			1/8/2022
34	EC	Primary	SB0154	Locke	Applications for teacher licensure by reciprocity; military spouses; timeline for determination. Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet.	Companion to HB230 (Coyner)		1/11/2022

AMERICAN OVERSIGHT

VA-22-0316-A-000704

	I	J
29		
30		
31		
32		
33	1/9/2022	
34	1/11/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G	H
35	EC	Primary	SB0156	Hashmi	Public schools; English language learners. Requires state funding to be provided to support new divisionwide ratios of English learner students in average daily membership to full-time equivalent teaching positions, as follows: (i) for each English language learner identified as proficiency level one, one position per 25 students; (ii) for each English language learner identified as proficiency level two, one position per 30 students; (iii) for each English language learner identified as proficiency level three, one position per 40 students; and (iv) for all other English language learners, one position per 50 students. Under the bill, in order to provide additional support for instruction of English language learners, $150 shall be appropriated in year one to divisions for each English learner student to support professional development of instructional and support staff, purchase resources developed for students learning English, and offer grants to community-based organizations that offer support services to English language learners in school settings.			1/11/2022
36	EC	Primary	SB0157	Hashmi	Competitive compensation for certain positions in public elementary and secondary schools. Declares it the goal of the Commonwealth that its public school teachers and all other individuals employed in Standards of Quality-funded positions be compensated at a rate that is competitive, defined as at or above the national average salary for the position, in order to attract and keep highly qualified individuals in such positions. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a five percent annual pay increase for each such position, effective from the 2023%9624 school year through the 2027%9628 school year, provided that such five percent annual pay increase (i) is subject to a local matching requirement in accordance with each local school board's composite index of local ability-to-pay and (ii) shall be adjusted annually as necessary to account for rebenchmarking and to yield a rate of compensation percentage increase for all Standards of Quality-funded positions that is pegged to providing a competitive average teacher salary in the Commonwealth. The bill has a delayed effective date of July 1, 2023.	Similar to bills years past (2019?)		1/11/2022
37	EC	Primary	SB0178	Peake	Public school teachers; probationary term of service, grounds for dismissal, and dismissal hearings. Permits each school board to extend for up to two additional years the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing.	Companion to HB9 (Ware)		1/11/2022

AMERICAN OVERSIGHT

VA-22-0316-A-000706

	I	J
35	1/11/2022	
36	1/11/2022	
37	1/11/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G	H	I
1	Owner	DEC							
2	Count	12							
3	Owner	LAS Type	Bill No.	Patron	Summary	Notes	FIS	Added	Assigned
4	DEC	Primary	HB0041	Scott	Early childhood care and education; publicly funded providers; assessment of children. Provides that, except as otherwise required by federal law, no child who is enrolled at a publicly funded provider shall be required to participate in the Virginia Kindergarten Readiness Program or any other program for the assessment of the child's cognitive ability, development, learning, or readiness for kindergarten.			1/3/2021	1/6/2022
5	DEC	Comment	HB0133	Cherry	Possession of firearms or other weapons on school property. Removes preschools and licensed child day centers that are not operated at the residence of the provider or of any of the children from the list of schools where possessing a firearm or other weapon on school property or on a school bus is prohibited.	VSP lead, but still want to comment		1/8/2022	
6	DEC	Primary	HB0389	Bulova	Early childhood care and education; regional entities; Child Care Subsidy Program Overpayment Fund established. Requires the Board of Education to establish a system of regional entities that will be responsible for coordinating early childhood care and education services, guiding quality improvement of such services and coordinated access to such services for families, and implementing the uniform measurement and improvement system. The bill establishes the Child Care Subsidy Program Overpayment Fund, consisting of all overpayment moneys collected or recovered by the Department of Education or any state or local agency contracted to administer the Child Care Subsidy Program, net of any refunds due to the federal government, to be used solely for the purpose of covering the cost of providing training and supports to early childhood care and education entities.	Agency bill		1/12/2022	1/13/2022
7	DEC	Comment	HB0805	Price	Barrier crimes. Eliminates certain crimes from the definition of "barrier crime" and requires the State Board of Behavioral Health and Developmental Services, the Board of Education, the State Board of Health, and the State Board of Social Services to each adopt regulations that develop and implement a waiver process for individuals who have been convicted of a barrier crime and who serve in a position or seek to serve in a position with any qualified entity subject to the regulations of the board. The bill eliminates current exceptions and time limit mandates, as such information is required to be set out in each agency's waiver process. The bill sets out information to be included in the regulations of the individual boards. The bill also directs the Departments of Behavioral Health and Developmental Services, Education, Health, and Social Services to each publish information about the agency's waiver process in an easily accessible format on a website maintained by the department. The bill includes additional requirements for each waiver process, such as if an individual's application for a waiver is denied, the department must state the basis for denial in writing and provide such explanation to the individual. The bill provides that although a waiver granted to an individual by one department shall not be transferrable to a position under another department, proof of receipt of a waiver from one department shall be considered positively by another department when reviewing an application for a waiver. Additionally, each department is required to notify the Department of State Police when a waiver has been granted within 10 days of issuing the decision in writing to the person who was subject to the waiver. In cases where a waiver has been granted, the bill also prohibits any business screening service from disseminating information regarding the barrier crime conviction that was the subject of such waiver unless it is clearly indicated that the waiver was granted, and the bill sets out a penalty for any business screening service that violates that prohibition. The bill prohibits any qualified entity from discharging or otherwise discriminating against a person for any reason concerning solely the barrier crime conviction that was the subject of a waiver that has been granted. The bill also exempts all documents relating to a waiver application from the Virginia Freedom of Information Act except for an application cover sheet and whether the waiver has been granted or denied or if the application is pending. Additionally, the bill eliminates the state-level barrier crimes requirements for foster and adoptive parents and provides that a child-placing agency shall not approve a foster or adoptive home if any individual has been convicted of crimes prohibited under federal law or is the subject of a founded complaint of abuse or neglect as maintained in registries pursuant to state and federal law. The bill has a delayed effective date of the earlier of (i) the first day of the fourth month following notification of the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by the Superintendent of State Police that the Department of State Police has implemented the necessary system upgrades as required by this act or (ii) July 1, 2025; however, the provisions related to foster and adoptive parents become effective on July 1, 2022. The bill requires the Boards of Behavioral Health and Developmental Services, Education, Health, and Social Services to promulgate regulations by December 1, 2024, to implement the provision of the bill. The bill also requires the Secretaries of Education, Health and Human Resources, and Labor to provide recommendations on the development of a navigation system no later than July 1, 2024, for assisting applicants in navigating the waiver processes across each department. Individuals with barrier crime convictions serving in a position pursuant to a currently existing exception	Starting this with DEC though this will also hav		1/12/2022	
8	DEC	Primary	HB0994	Brewer	Board of Education; Child Care Subsidy Program; Armed Forces. Directs the Board of Education (the Board) to amend its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill.			1/12/2022	

AMERICAN OVERSIGHT

	J
1	
2	
3	EC Notes
4	
5	
6	
7	
8	

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G	H	I
9	DEC	Primary	HB1043	Tran	Child abuse and neglect; background check and training requirements for youth sports coaches and staff. Requires youth sports leagues to (i) require all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children to complete a fingerprint-based background check; (ii) provide to all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children and the parent of any child participating in the sports league written notice of the duty of all coaches, directors, and persons 18 years of age or older employed by or volunteering with the sports league to report suspected child abuse or neglect, information regarding how to report suspected child abuse or neglect, an explanation of the penalties that may be imposed for failure to file a required report, contact information for the local department of social services, and the telephone number for the Department of Social Services' toll-free child abuse and neglect hotline; and (iii) require all paid coaches, staff members, and employees who will be alone with, in control of, or supervising children to complete no less than four hours of training annually regarding child abuse prevention and response and require all volunteers who will be alone with, in control of, or supervising children to complete no less than two hours of training annually regarding child abuse prevention and response. The bill directs the Board of Education to promulgate regulations to implement the provisions of the bill and to develop and provide to sports leagues resources regarding child abuse prevention and response training opportunities.			1/12/2022	1/14/2022
10	DEC	Comment	HB1149	Guzman	Virginia Children's Cabinet. Creates the Virginia Children's Cabinet as an executive branch advisory body to advise the Governor regarding policies to improve the health and well-being of children in the Commonwealth.				
11	DEC	Comment	SB0069	Favola	Virginia Residential Landlord and Tenant Act; prohibited provisions in rental agreements. Prohibits a rental agreement from containing provisions that prohibit the operation of properly licensed and authorized child care services.			1/12/2022	
12	DEC	Primary	SB0193	Mason	Child day programs; licensure; accredited private schools. Adds to the list of child day programs not required to be licensed by the Superintendent of Public Instruction to operate in the Commonwealth programs offered by accredited private schools that are in good standing with the Virginia Council for Private Education and operate for no more than four hours per day. The bill provides that, to be exempt from licensure, such accredited private school programs must be staffed by the accredited private school's employees and attended by children who are at least five years of age and are enrolled in the school. The bill requires such programs to be subject to safety and supervisory standards established by the Virginia Council for Private Education.			1/11/2022	1/11/2022
13	DEC	Primary	SB0483	McClellan	Child abuse and neglect; limitations period on sexual abuse of a minor claims; background check and training requirements for youth sports coaches and staff. Eliminates the civil statute of limitations period for injury resulting from sexual abuse occurring during the infancy of the abused person and allows persons who have previously been time-barred from filing such an action due to the expiration of the limitations period in effect prior to July 1, 2022, to file such an action. The bill requires youth sports leagues to (i) require all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children to complete a fingerprint-based background check; (ii) provide to all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children and the parent of any child participating in the sports league written notice of the duty of all coaches, directors, and persons 18 years of age or older employed by or volunteering with the sports league to report suspected child abuse or neglect, information regarding how to report suspected child abuse or neglect, an explanation of the penalties that may be imposed for failure to file a required report, contact information for the local department of social services, and the telephone number for the Department of Social Services' toll-free child abuse and neglect hotline; and (iii) require all paid coaches, staff members, and employees who will be alone with, in control of, or supervising children to complete no less than four hours of training annually regarding child abuse prevention and response and require all volunteers who will be alone with, in control of, or supervising children to complete no less than two hours of training annually regarding child abuse prevention and response. The bill directs the Board of Education to promulgate regulations to implement the provisions of the bill and to develop and provide to sports leagues resources regarding child abuse prevention and response training opportunities.	Companion to HB1043 (Tran)			
14	DEC	Primary	SB0529	Reeves	Board of Education; Child Care Subsidy Program; Armed Forces. Directs the Board of Education (the Board) to amend its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill.				
15	DEC	Primary	SB0574	Mason	Child care; background checks. Allows applicants for employment and applicants to serve as volunteers to work in certain child day centers, family day homes, and family day systems pending the results of a full background check, provided that (i) the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation and (ii) the applicant is supervised at all times by a person who received a qualifying result on a full background check within the past five years.				

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G
1	Owner	RW					
2	Count	27					
3	Owner	LAS Type	Bill No.	Patron	Summary	Notes	FIS
4	RW	Primary	HB0012	Anderson	Public school buildings; entry points; limits; screening. Requires each local school board to (i) limit to the lowest feasible number the entry points in each public school building in the local school division, (ii) ensure that each individual who seeks to enter any school building in the local school division is screened with a handheld metal detector wand by a school security officer or another appropriate school board employee who is appropriately trained in such method of screening, (iii) require each such school security officer or other appropriate school board employee to implement further screening according to a protocol that it deems appropriate in any case in which the school board employee who conducts the initial screening has reason to believe that the individual who seeks to enter the school building is in possession of a weapon, and (iv) prohibit any individual from entering any school building in the local school division if the individual fails or refuses to submit to the screening required in clauses (ii) and (iii).		
5	RW	Primary	HB0018	Fowler	Appointed school board members; salaries. Permits any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in relevant law or as provided by charter, with certain exceptions and conditions. Current law sets a specific maximum dollar amount for the salary of members of each such appointed school board.	Similar legislation in recent sessions.	
6	RW	Primary	HB0113	March	Public school buses; decals; "In God We Trust" and "One Nation Under God." Permits local school boards, notwithstanding any regulation to the contrary, to display on the sides and rear of public school buses decals containing the motto "In God We Trust" or the phrase "One Nation Under God", provided that no such decal obstructs the name of the school division or the number of the school bus.	Similar to legislation in past sessions (2019?)	
7	RW	Primary	HB0217	Simonds	Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board; STEM and Computing (STEM+C); review federal occupational categories; report. Requires the Virginia STEM Education Advisory Board (the Board) to (i) review the occupational categories in the U.S. Bureau of Labor Statistics' standard occupational classification system to determine the occupational categories that are not properly captured in the Commonwealth's existing STEM+C workforce profile and the gaps in the Commonwealth's tracking of careers in these occupational categories for the purpose of better aligning K%9616 education priorities and the Board's tracking and coordination of STEM+C and (ii) share its findings with the Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment (the Office) to include in the Office's efforts to specifically align STEM+C workforce and education. The bill requires the Board, in conducting such review, to focus on occupational categories such as advanced manufacturing, agriculture, financial systems, health care, military, and K%9616 education careers that are not currently tracked or categorized by the U.S. Bureau of Labor Statistics as STEM+C career fields. The bill also requires the Board to submit its findings and any recommendations to the General Assembly no later than October 1, 2022.		
8	RW	Primary	HB0251	Simonds	School boards and local governing bodies; unexpended local funds; school maintenance, renovation, and construction. Encourages each school board to enter into a collaborative agreement with the local governing body to set aside in a separate fund any sums appropriated to the school board by the local governing body that are unexpended by the school board in any year in order to use such sums to finance school maintenance, renovation, or construction in the local school division. The bill declares any school board that fails to enter into such a collaborative agreement ineligible to participate in any state grant, loan, or bond program that supports school maintenance, renovation, or construction. This bill is a recommendation of the Commission on School Construction and Modernization.		
9	RW	Primary	HB0252	Simonds	Department of Education; school division maintenance reserve tool. Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill requires the Department of Education to consider converting or using as a template the Department of General Services' M-R FIX tool to meet the above requirement to maintain such a tool. This bill is a recommendation of the Commission on School Construction and Modernization.		
10	RW	Primary	HB0253	Simonds	Literary Fund; loans; application process; maximum loan amounts; rates of interest; closing costs; waiting lists. Makes several changes to the provisions relating to loans from the Literary Fund to finance the construction and renovation of public elementary and secondary school buildings in the Commonwealth. The bill requires the Board of Education (the Board) to establish an annual open application process for Literary Fund loans to occur during the period that the Board deems most suitable. The bill increases from $7.5 million to $25 million the maximum Literary Fund loan amount and permits the Board to increase such maximum to up to $35 million for loans for any school construction or renovation project that facilitates the consolidation of schools. The bill requires the Board to fix the interest rate on all loans made from the Literary Fund at not less than one percent per year, not more than three percent per year, and at increments of one half of one percent per year between such minimum and maximum rates, payable annually, and to utilize a sliding scale based on the local school division's composite index of local ability to pay to determine the interest rate on each such loan. Under current law, such rates are required to be set between two and six percent per year. The bill requires the Board to establish a competitive program for the award of up to $25,000 to a school division that receives a Literary Fund loan for the purpose of subsidizing all or a portion of the closing costs for such loan. The bill also permits the Board to remove any project that has been inactive for at least five years from any Literary Fund loan project waiting list that it maintains. This bill is a recommendation of the Commission on School Construction and Modernization.		

AMERICAN OVERSIGHT

	H	I	J
1			
2			
3	Added	Assigned	Drafter Notes
4	12/21/2021	1/6/2022	
5	12/27/2021	1/6/2022	
6	1/8/2022	1/9/2022	
7	1/12/2022	1/12/2022	
8	1/11/2022	1/12/2022	
9	1/11/2022	1/12/2022	
10	1/11/2022	1/12/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G
11	RW	Primary	HB0254	Simonds	Department of Education; School Construction Fund and Program; Gaming Proceeds Fund revenues. Establishes the School Construction Fund as a special nonreverting fund in the state treasury and requires the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities. The bill provides that three percent of any fiscal year's budget surplus shall be appropriated to the School Construction Fund and Program. The bill also provides that any remaining revenues not appropriated by the Gaming Proceeds Fund shall be appropriated to the School Construction Fund and Program. Under current law, any remaining revenues in the Gaming Proceeds Fund not appropriated remain in the Fund until appropriated by the General Assembly for programs established to address public school construction, renovations, or upgrades.		
12	RW	Primary	HB0293	Frietas	Education Savings Account Program; establishment. Establishes the Education Savings Account Program (the Program), to be administered by the Department of Education (the Department) with assistance from each local school board, whereby the parent of any elementary or secondary school student who (i) is a member of a household whose annual income does not exceed two times the annual household income that would qualify the student for free or reduced-price lunch and (ii) was eligible to attend a public school in the Commonwealth in the preceding semester or is starting elementary or secondary school in the Commonwealth for the first time is eligible to receive an education savings account, for as long as the student is of school age and the amount of which is determined pursuant to a calculation set forth in the bill, to cover certain enumerated educational expenses for his child. The bill requires the Department to establish rules and regulations for the Program and contains conditions, limitations, and other requirements for the Program, including provisions relating to the accountability and educational autonomy of individuals and entities receiving account funds to cover qualified expenses.		
13	RW	Primary	HB0333	Frietas	Public education; student education accounts. Permits any school board to establish a program to create savings accounts for students to be used for alternative educational programs. The bill requires the Department of Education to establish policies and procedures under which the parent of each student may use such funds on public or private educational programs.		
14	RW	Primary	HB0391	Frietas	Certain school board property; establishment of gun-free zone permitted. Removes the authority of any school board to deem any non-school zone building or property that it owns or leases where employees of such school board are regularly present for the purpose of performing their official duties as a gun-free zone. Under current law, any school board may prohibit any individual, subject to exceptions, from knowingly possessing, purchasing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property.		
15	RW	Primary	HB0452	Bennett-Park	Public school buses; display of advertising; hiring of school bus drivers in the local school division. Permits any local school board, notwithstanding any regulation to the contrary, to display decals, posters, and stickers on the sides and rear of school buses advertising the hiring of school bus drivers in the local school division, provided that the local school board is responsible for the cost of such decals, posters, and stickers and that no such decal, poster, or sticker obstructs the name of the school division or the number of the school bus.		
16	RW	Primary	HB0545	Hudson	Additional local sales and use tax to support schools. Adds the City of Charlottesville to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.		
17	RW	Primary	HB0559	O'Quinn	Local school boards; composite index of local ability-to-pay; required local effort; adjustment in certain circumstances. Provides that in any case in which a local school board enters into a comprehensive agreement with a private entity pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 whereby the private entity finances the construction of a new public school building in the local school division through the issuance of bonds; leases the building to the local school board in an arrangement such as a certificate of participation, a double net lease, or a triple net lease; and expects the local school board to make lease payments in an annual amount that approximates or is equal to the annual debt service on such bonds, the Department of Education shall not consider 50 percent of such lease payments as capital outlay and debt service and therefore shall not subtract such payments in the biennial calculation of net local expenditures for operations or required local effort for the purpose of determining such local school division's composite index of local ability-to-pay, if so requested by the local school board.		
18	RW	Primary	HB0563	O'Quinn	School Construction Matching Grant Fund and Program; established; funding sources. Establishes the School Construction Matching Grant Fund and Program for the purpose of awarding matching grants on a competitive basis to local school boards that demonstrate poor school building conditions, commitment, and need, based on certain enumerated factors, in order for such local school boards to fund the construction of new public school buildings in the local school division. The bill permits the Board of Education to transfer sums from the Literary Fund to the School Construction Matching Grant Fund and for the Department of Education to use such sums to provide matching grants pursuant to the Program.		
19	RW	Primary	HB0608	Bourne	School boards; unexpended local funds; capital projects. Permits any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year. The bill is a recommendation of the Commission on School Construction and Modernization.		
20	RW	Primary	HB0846	Lopez	Income tax deduction; teaching material expenses. Provides an income tax deduction beginning in taxable year 2022 for the lesser of $500 or the actual purchase price of teaching materials purchased by a teacher and used in teaching Virginia public primary or secondary school students. The deduction may not be claimed if the purchases were reimbursed or claimed as a deduction on the teacher's federal income tax return for the taxable year.	Similar legislation in recent sessions.	

AMERICAN OVERSIGHT

	H	I	J
11	1/11/2022	1/12/2022	
12	1/12/2022	1/13/2022	
13	1/12/2022	1/13/2022	
14	1/12/2022	1/13/2022	
15	1/12/2022	1/13/2022	
16	1/12/2022		
17	1/12/2022	1/13/2022	
18	1/12/2022	1/13/2022	
19	1/12/2022	1/13/2022	
20	1/12/2022		

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G
21	RW	Primary	HB0982	Scott	Education Savings Account Program established; Education Improvement Scholarships Tax Credits. Establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2022—2023 school year. The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is $25 million, and removes individual minimum and maximum required donation amounts. The bill raises the threshold for students to qualify for scholarships to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, 1,200 percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a Virginia resident and eligible to enroll in a Virginia primary or secondary school. Current law restricts eligibility to certain categories of students. The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2022.	Similar to past legislation	
22	RW	Primary	HB1024	LaRock	Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.	Unclear difference between this and HB1025	
23	RW	Primary	HB1025	LaRock	Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.	Unclear difference between this and HB1024	
24	RW	Primary	HB1099	LaRock	Additional local sales and use tax; use of revenues for construction or renovation of schools. Allows any county or city to levy a local general retail sales tax and a local use tax at a rate not to exceed one percent as determined by its governing body to provide revenues solely for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, the power to levy such local sales and use taxes for the construction or renovation of schools is limited to the qualifying localities of Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville.		
25	RW	Primary	HB1100	LaRock	Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. Requires the Board of Education (the Board) to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022. This bill is a recommendation of the Commission on School Construction and Modernization.		
26	RW	Primary	HB1138	Reid	Loudoun County School Board; staggering of member terms; lot drawing; timeframe. Requires the lot drawing required to be conducted by the Loudoun County Electoral Board to determine the members of four of nine districts who will be elected to the Loudoun County School Board for four-year terms and the members of the remaining five districts who will be elected to the Loudoun County School Board for two-year terms to ensure the staggering of member terms for such school board to be conducted at the electoral board's first meeting of 2023 but no later than January 31, 2023.	These bills just analyzed by policy. Should be examples f	

AMERICAN OVERSIGHT

	H	I	J
21	1/12/2022		
22	1/12/2022		
23	1/12/2022		
24	1/12/2022		
25	1/12/2022		
26	1/13/2022		

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G
27	RW	Primary	SB0117	Newman	K-12 funding. Provides that for any year in which there is a surplus, the Governor shall include in his proposed budget an appropriation of five percent of such surplus for the operational costs of local school divisions. The bill provides for an equivalent decrease in the amount of operational costs funded by the Lottery Proceeds Fund and an equivalent increase in the amount of funds in the Fund restricted exclusively for local school divisions' capital construction and renovation costs. If the restricted amount is equal to or greater than the amount in the Fund, the increases and decreases are no longer required under the bill.		
28	RW	Primary	SB0238	McPike	Department of Education; school division maintenance reserve tool. Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill requires the Department of Education to consider converting or using as a template the Department of General Services' M-R FIX tool to meet the above requirement to maintain such a tool. This bill is a recommendation of the Commission on School Construction and Modernization.	Companion to Simonds bill	
29	RW	Primary	SB0276	Stanley	School boards; unexpended local funds; capital projects. Permits any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year. The bill is a recommendation of the Commission on School Construction and Modernization.		
30	RW	Primary	SB0298	Deeds	Additional local sales and use tax to support schools. Adds the City of Charlottesville to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.		

AMERICAN OVERSIGHT

	H	I	J
27	1/11/2022		
28	1/12/2022	1/13/2022	
29	1/12/2022		
30	1/12/2022		

AMERICAN OVERSIGHT

	A	B	C	D	E	F
1	Owner	JC				
2	Count	18				
3	Owner	LAS Type	Bill No.	Patron	Summary	Notes
4	JC	Primary	HB0221	Davis	STEM+C; Virginia STEM Education Advisory Board. Adds science, technology, engineering, mathematics and computing (STEM+C), which includes real-world, interdisciplinary, and computational instruction and preparation of students in STEM+C, to the list of topics that shall be included in the Standards of Learning for the Commonwealth. The bill also directs the Virginia STEM Education Advisory Board to develop and submit to the Board of Education (i) a rubric that shall be used by the Board of Education in setting out what factors permit a school to be defined as a STEM school and (ii) recommendations for the Board to create a measurement for quality of STEM programming in general education instruction. The bill also directs the Virginia STEM Education Advisory Board to draft and report to the Department of Education proposed common language and terminology that better defines the basic literacies employed in STEM+C as methodological approaches to solving universal human challenges and, as essential, generalizable and transferable literacy toward the application of skills and content needed to solve those challenges. The bill also directs the Department of Education, based on such proposed language and terminology and no later than December 1, 2022, to recommend finalized language and terminology to the Board of Education.	
5	JC	Primary	HB0294	Frietas	Education improvement scholarship tax credits; eligible students in need of a safer school environment. Declares eligible for a scholarship from a scholarship foundation that receives an education improvement scholarship tax credit, on the same basis as any other eligible student, eligible students in need of a safer school environment, defined in the bill as any student who, while enrolled in a public elementary or secondary school in kindergarten through grade 12, was the victim of assault, battery, bullying, harassment, hazing, kidnapping, or robbery on school property, on a school bus, or at a school-sponsored activity, as substantiated by an investigation and written report by the school principal. The bill provides that (i) eligible students in need of a safer school environment are permitted to use such scholarships to cover the expenses associated with attending another public school within or outside of his school division of residence and (ii) there are no family income restrictions on scholarships for eligible students in need of a safer school environment.	
6	JC	Primary	HB0340	Davis	Board of Education; high school graduation; alternative pathways to the advanced studies diploma; associated diploma seals. Directs the Board of Education to establish pathways to the advanced studies high school diploma, and associated diploma seals for students who successfully follow and demonstrate excellence on such pathways, that require advanced coursework in career and technical education in lieu of world language courses or any other required course that the Board deems appropriate. The bill requires such pathways and diploma seals to become effective for the 2023-2024 school year and to be available to any student, regardless of the school year during which the student enters ninth grade.	
7	JC	Primary	HB0344	Davis	Public charter schools; applications; review and approval. Permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions.	
8	JC	Primary	HB0356	Tata	Public schools; regional charter school divisions. Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school.	
9	JC	Primary	HB0371	Convirs-Fowler	Licensed school board employees; cultural competency training; bullying of Asian American and Pacific Islander students. Requires the Board of Education's guidance on cultural competency training for licensed school board employees to include a model curriculum for cultural competency training relating to the bullying of Asian American and Pacific Islander students and requires such model curriculum to be incorporated into the biennial cultural competency training required for licensed school board employees.	
10	JC	Primary	HB0636	Carr	Virginia student environmental literacy; plan; grant fund and program. Requires the Board of Education, in consultation with the Department of Environmental Quality, the Department of Health, any other stakeholder that it deems appropriate, and the public, and in order to assist each local school board in developing and implementing a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning and emphasizes environmental literacy as an essential skill and concept of citizenship that is necessary for responsible participation in American society and in the international community, to establish and update at least once every five years a Virginia student environmental literacy plan (the plan) that (i) prepares students to understand, analyze, and address the major environmental challenges facing the Commonwealth and the United States; (ii) provides field experiences as part of regular school curricula and creates programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition; and (iii) creates opportunities for the enhanced and ongoing professional development of teachers that improves teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom. The bill requires the plan to include a description of (a) how the Board will measure the environmental literacy of students, including relevant Standards of Learning and related curricula and courses or subjects where environmental education instruction will be integrated throughout grades kindergarten through 12 curricula, and the relationship of the plan to the high school graduation requirements established by the Board; (b) programs for the professional development of teachers to improve teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom; and (c) how the Board will implement the plan, including securing funding and other necessary support. The bill establishes the Virginia Student Environmental Literacy Plan Grant Fund and Program, to be administered by the Department of Education, for the purpose of awarding grants on a competitive basis to any local school board that seeks assistance to initiate, expand, or improve teacher professional development opportunities or student environmental education programs that align with the content and objectives of the plan.	

AMERICAN OVERSIGHT

	G	H	I	J
1				
2				
3	FIS	Added	Assigned	Drafter Notes
4		1/11/2022	1/12/2022	
5		1/12/2022	1/13/2022	
6		1/12/2022	1/13/2022	
7		1/12/2022	1/13/2022	
8		1/12/2022	1/13/2022	
9		1/12/2022	1/13/2022	
10		1/12/2022	1/13/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
11	JC	Primary	HB0781	Williams	Public elementary and secondary schools; student citizenship skills; certain instructional policies prohibited; parental rights; disclosures; penalties; other remedies. Requires the Board of Education to incorporate into each relevant Standard of Learning and associated curriculum framework a requirement that each student demonstrate the understanding of, among other concepts, the fundamental moral, political, and intellectual foundations of the American experiment in self-government, as well as the history, qualities, traditions, and features of civic engagement in the United States. The bill prohibits any public school teacher or other instructional staff member from being required to discuss any current event or widely debated and currently controversial issue of public policy or social affairs and provides that any such employee who chooses to discuss any such event or issue in the scope of his instructional duties shall, to the best of his ability, strive to explore such issues from diverse and contending perspectives, without giving deference to any one perspective. The bill prohibits the Board and Department of Education and each local school board from teaching, instructing, or training certain individuals and groups, including teachers and students, to support, believe, endorse, embrace, confess, act upon, or otherwise assent to a divisive concept, as defined in the bill, or penalizing or discriminating against any such individual or group for refusing to do so. The bill also prohibits any school board or employee thereof from teaching or incorporating into any course or class any such divisive concept or creating a position or hiring a consultant with the job title of equity director or diversity director or a substantially similar title and with a job description that includes any activity that would result in a violation of a provision of the bill. The bill further declares that the parent of each student enrolled in a public elementary or secondary school has the right to be aware of all curricula, instructional materials, lessons, and other forms of instruction provided to his child and may request that the student's teacher provide any such item for review. Finally, the bill provides that in the event that a local school board finds that a school board employee has persistently, knowingly, and intentionally violated any of the bill's provisions, the parent of any student affected by such violations may request and the local school board shall provide a voucher in an amount equal to all sums from any source that the local school board received for the education of such student and the parent shall use such voucher to provide for the education of his child in any setting set forth in relevant law.	
12	JC	Primary	HB0786	LaRock	Board of Education; policy on certain instructional material and related academic activities; annual parental notification; replacement or alternative material and activities; local compliance. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) annually notify the parent of any student enrolled in a class or course in which the instructional material or related academic activities includes or may include sexually explicit content, as defined in the bill, or content that depicts sexual misconduct, as defined in the bill; (ii) permit the parent of any student to review instructional material that includes sexually explicit content or content that depicts sexual misconduct, upon request; and (iii) provide, as a replacement or an alternative to instructional material and related academic activities that include sexually explicit content or content that depicts sexual misconduct, instructional material and related academic activities that do not include sexually explicit content or content that depicts sexual misconduct to any student whose parent so requests.	
13	JC	Primary	HB0788	LaRock	Education Improvement Scholarships Tax Credits program. Increases from 65 percent to 75 percent the tax credit for the value of the monetary or marketable securities donation made by a taxpayer to an eligible scholarship foundation.	
14	JC	Primary	HB0879	Rasoul	Board of Education; membership; qualifications. Requires the nine-member Board of Education, all of whom are appointed by the Governor, to include at least one member with experience or expertise in local government leadership or policymaking, at least one member with experience or expertise in career and technical education, and at least one member with experience or expertise in early childhood education.	Similar to 2021 legislation.
15	JC	Primary	HB0946	Wampler	Board of Education; local school boards; public notice and comment regarding certain materials. Requires the Board of Education (the Board), in order to provide appropriate opportunity for input from the general public, parents, teachers, and local school boards, to solicit public comment prior to revising, adopting, or approving any Standards of Learning resource guide or curriculum framework, list of recommended textbooks in any Standards of Learning academic subject, textbook, instructional aid or material, or required or recommended reading list. The bill requires the Board to publish notice of its intended action at least 30 days prior to soliciting public comment, provide interested parties reasonable opportunity to be heard and present information prior to final action of the Board, and make such materials available for public inspection at least 30 days prior to final revision, adoption, or approval, as the case may be. Under current law, such requirements for public input apply only to the adoption or revision of Standards of Learning resource guides and lists of recommended textbooks in any Standards of Learning academic subject. The bill also requires the Board to establish minimum standards for local school boards to provide appropriate opportunity for input from the general public, parents, and teachers by soliciting public comment prior to revising, adopting, or approving any curriculum, textbook, instructional aid or material, or required or recommended reading list. The bill requires each local school board to comply with such minimum standards, which are required to include opportunities for public input that are substantially similar to those that are required to be provided by the Board.	
16	JC	Primary	HB1007	Scott	Board of Education; policy on sexually explicit instructional material. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request, and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests.	Identical to HB1009
17	JC	Primary	HB1009	Durant	Board of Education; policy on sexually explicit instructional material. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request, and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests.	Identical to HB1007
18	JC	Primary	SB0016	Hackworth	Income tax; Education Improvement Scholarships Tax Credits. Increases the aggregate annual cap on the Education Improvement Scholarships Tax Credits from $25 million to $50 million, increases the value of the credit from 65 percent to 80 percent, and removes the credit's current sunset of January 1, 2028.	

AMERICAN OVERSIGHT

VA-22-0316-A-000721

	G	H	I	J
11		1/12/2022	1/13/2022	
12		1/12/2022	1/13/2022	
13		1/12/2022		
14		1/12/2022		
15		1/12/2022		
16		1/12/2022		
17		1/12/2022		
18		12/31/2021		

AMERICAN OVERSIGHT

	A	B	C	D	E	F
19	JC	Primary	SB0027	Ruff	Income tax credits; Neighborhood Assistance Program and Education Improvement Scholarships. Makes several amendments to expand the availability of the Neighborhood Assistance Program (NAP) and Education Improvement Scholarships Tax Credits (EISTC). The bill increases the limit on NAP credits approved by the Department of Education (DOE) from $9 million to $25 million. When added to the current limit of $8 million of NAP credits approved by the Department of Social Services (DSS), the overall limit on NAP credits would be $33 million. The bill makes decisions of DOE and DSS regarding the qualification of a scholarship foundation or the awarding of tax credits subject to judicial appeal; currently, such decisions are final. The bill provides that the annual allocation of tax credits among neighborhood organizations shall not rely solely on the amount of credits awarded in the previous year. For the EISTC, the bill allows certified public accountants to receive tax credits for donations of accounting services to scholarship organizations. The bill also authorizes scholarship foundations, which are the sole recipient of funding from the issuance of EISTC, to receive funding for scholastic assistance, defined in the bill as counseling or supportive services. Under current law, scholarship foundations may receive EISTC funding only for the purpose of providing scholarships.	
20	JC	Primary	SB0239	Hashmi	STEM+C; Virginia STEM Education Advisory Board. Adds science, technology, engineering, mathematics and computing (STEM+C), which includes real-world, interdisciplinary, and computational instruction and preparation of students in STEM+C, to the list of topics that shall be included in the Standards of Learning for the Commonwealth. The bill also directs the Virginia STEM Education Advisory Board to develop and submit to the Board of Education (i) a rubric that shall be used by the Board of Education in setting out what factors permit a school to be defined as a STEM school and (ii) recommendations for the Board to create a measurement for quality of STEM programming in general education instruction. The bill also directs the Virginia STEM Education Advisory Board to draft and report to the Department of Education proposed common language and terminology that better defines the basic literacies employed in STEM+C as methodological approaches to solving universal human challenges and, as essential, generalizable and transferable literacy toward the application of skills and content needed to solve those challenges. The bill also directs the Department of Education, based on such proposed language and terminology and no later than December 1, 2022, to recommend finalized language and terminology to the Board of Education.	Similar to HB217 (Davis)?
21	JC	Primary	SB0608	Suetterlein	Public charter schools; applications; review and approval. Permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions.	Companion to HB344 (Davis)

AMERICAN OVERSIGHT

	G	H	I	J
19		12/31/2021		
20		1/12/2022	1/13/2022	
21				

AMERICAN OVERSIGHT

	A	B	C	D	E
1	Owner	LR			
2	Count	17			
3	Owner	LAS Type	Bill No.	Patron	Summary
4	LR	Primary	HB0201	Webert	In-person instruction; education vouchers; emergency. Requires, in the event that any school board does not provide the option of in-person instruction as the sole method of instruction for any enrolled student, the parent of any such student who withdraws his child from attendance to receive, upon request, an education voucher in an amount equal to a prorated share of the applicable Standards of Quality per-pupil state funds appropriated for public school purposes and apportioned to the school division, including the per-pupil share of state sales tax funding in basic aid and any state per-pupil share of special education funding for which the child is eligible, to cover the expenses of providing in-person instruction in an alternative setting. The bill permits the Department of Education to establish rules, regulations, or procedures for the issuance of such education vouchers. The bill contains an emergency clause.
5	LR	Primary	HB0246	Kilgore	School attendance; 4-H educational programs and activities. Provides that students who miss a partial or full day of school while participating in 4-H educational programs and activities shall not be counted as absent for the purposes of calculating average daily membership and shall receive course credit in the same manner as they would for a school field trip. The bill directs each local school board to develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs and activities to not be counted absent.
6	LR	Primary	HB0440	VanValkenburg	School boards; teachers; planning time and planning periods. Requires each local school board to ensure that each elementary school teacher is provided an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day, which shall be at least 45 minutes or one class period, whichever is longer. The bill permits local school boards and teachers to enter into an appropriate contractual arrangement providing for compensation in lieu of such planning time or period. Under current law, public elementary school teachers are guaranteed at least an average of 30 minutes of planning time per school day during a school week.
7	LR	Primary	HB0583	Roem	Public elementary and secondary school students; ability to pay for meals and school meal debt; extracurricular school activities. Requires each school board to adopt policies that prohibit the school board or any school board employee from denying a student the opportunity to participate in any extracurricular school activity because the student cannot pay for a meal at school or owes a school meal debt.
8	LR	Primary	HB0587	Roem	School Breakfast Program and National School Lunch Program; processing of applications. Requires each public elementary or secondary school to process each web-based or paper-based application for participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within five working days after the date of receipt of the application.
9	LR	Primary	HB0695	Keam	Worker training tax credit. Extends from 2022 to 2025 the sunset date for the worker training tax credit and removes a requirement for such tax credit that direct costs incurred by a business primarily engaged in manufacturing in conducting orientation, instruction, and training in the Commonwealth be related to the manufacturing activities undertaken by the business.
10	LR	Primary	HB0844	Lopez	High school interscholastic athletic competition; prevention of hate speech and ethnically or racially insensitive expressions. Requires the organization governing high school athletics and academic activities for public and approved nonboarding nonpublic high schools (the organization), with such funds as may be appropriated by the General Assembly for such purpose pursuant to the general appropriation act, to develop (i) rules and standards for the prevention of inequities involving the use of hate speech or ethnically or racially insensitive expressions during athletic and academic competitions sponsored by the organization's member schools, (ii) procedures for the enforcement of and penalties for the violation of such rules and standards, and (iii) training materials on such rules and standards. The bill requires each member school of the organization to abide by and implement such rules, standards, procedures, and penalties and ensure that each student who will participate in high school interscholastic athletic or academic competition, the parent of each such student, and each individual, whether paid or unpaid, who coaches a team that will participate in high school interscholastic athletic or academic competition receives and reviews such training materials. The bill requires the organization to make part of the process to become a registered official in good standing for any association offering services to the organization an education and training requirement that is consistent with the training materials developed by the organization. The bill has a delayed effective date of January 1, 2023.
11	LR	Primary	HB1026	Guzman	Superintendent of Public Instruction; establishment of the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council. Requires the Superintendent of Public Instruction to establish and appoint no more than 12 members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (the Council), including at least one of each of the following: teacher, librarian, representative of a parent-teacher organization who is the parent of a school-age child, school administrator, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill requires the Council to (i) develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media literacy of all students in the local school division; (ii) develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students in public elementary and secondary schools; (iii) design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe, ethical, and responsible use of media and technology by students and teachers; and (iv) submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2023. The bill has an expiration date of July 1, 2024.

AMERICAN OVERSIGHT

VA-22-0316-A-000725

	F	G	H	I	J
1					
2					
3	Notes	FIS	Added	Assigned	Drafter Notes
4			1/11/2022	1/11/2022	
5			1/11/2022	1/12/2022	
6			1/12/2022	1/13/2022	
7			1/12/2022	1/13/2022	
8			1/12/2022	1/13/2022	
9			1/12/2022		
10			1/12/2022		
11			1/12/2022		

AMERICAN OVERSIGHT

	A	B	C	D	E
12	LR	Primary	HB1064	Brewer	Public School Trades Incentive Fund and Program; established. Establishes the Public School Trades Incentive Fund (the Fund) and the Public School Trades Incentive Program (the Program) for the purpose of providing grants on a competitive basis from the Fund to any school board that seeks to (i) restore high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials or (ii) create or restore middle school programs that encourage and recruit students to participate in high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials. The bill requires the Department of Education to administer the Program and to establish such rules and procedures relating to applications and awards as it deems appropriate, provided that the Department considers and gives appropriate weight to certain criteria for grantees. The bill permits any grantee to use Program funds for equipment, curriculum development, or instructor training. The bill requires each grantee to longitudinally track students who complete any program for which the school board received funds in order to determine the effectiveness of the (a) new or restored middle school programs in recruiting students to participate in restored high school programs and (b) restored high school programs in matching students with high-paying jobs in the fields in which they are certified or credentialed.
13	LR	Primary	HB1068	Cordoza	Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited. Requires each public elementary or secondary school principal to ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, as that term is defined in the bill, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity.
14	LR	Primary	HB1108	Rasoul	Public schools; instruction concerning gambling. Requires instruction concerning gambling and the addictive potential thereof to be provided by the public schools as prescribed by the Board of Education.
15	LR	Primary	SB0062	Favola	School Health Services Committee; report. Establishes the School Health Services Committee to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The bill requires the Committee to submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year. The bill has an expiration date of July 1, 2025.
16	LR	Primary	SB0078	Norment	Board of Education; driver education programs; parent/student driver education. Requires the Board of Education to include the requirement for an additional minimum 90-minute parent/student driver education component in its driver education program for all public school divisions. Under current law, the parent/student driver education component is required for Planning District 8 (Northern Virginia) and optional in all other school divisions.
17	LR	Primary	SB0285	Ebbin	High school interscholastic athletic competition; prevention of hate speech and ethnically or racially insensitive expressions. Requires the organization governing high school athletics and academic activities for public and approved nonboarding nonpublic high schools (the organization), with such funds as may be appropriated by the General Assembly for such purpose pursuant to the general appropriation act, to develop (i) rules and standards for the prevention of inequities involving the use of hate speech or ethnically or racially insensitive expressions during athletic and academic competitions sponsored by the organization's member schools, (ii) procedures for the enforcement of and penalties for the violation of such rules and standards, and (iii) training materials on such rules and standards. The bill requires each member school of the organization to abide by and implement such rules, standards, procedures, and penalties and ensure that each student who will participate in high school interscholastic athletic or academic competition, the parent of each such student, and each individual, whether paid or unpaid, who coaches a team that will participate in high school interscholastic athletic or academic competition receives and reviews such training materials. The bill requires the organization to make part of the process to become a registered official in good standing for any association offering services to the organization an education and training requirement that is consistent with the training materials developed by the organization. The bill has a delayed effective date of January 1, 2023.
18	LR	Comment	SB0356	Stuart	Children's Services Act; special education programs. Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.
19	LR	Primary	SB0570	Kiggans	Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited. Requires each public elementary or secondary school principal to ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, as that term is defined in the bill, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity.
20	LR	Primary	SB0596	Pillion	School attendance; 4-H educational programs and activities. Provides that students who miss a partial or full day of school while participating in 4-H educational programs and activities shall not be counted as absent for the purposes of calculating average daily membership and shall receive course credit in the same manner as they would for a school field trip. The bill directs each local school board to develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs and activities to not be counted absent.

AMERICAN OVERSIGHT

VA-22-0316-A-000727

	F	G	H	I	J
12			1/12/2022		
13			1/12/2022		
14			1/12/2022		
15			1/4/2022	1/7/2022	
16			1/8/2022	1/9/2022	
17			1/12/2022		
18			1/12/2022		
19	Companion to HB1068 (Cordoza)				
20	Companion to HB246 (Kilgore)				

AMERICAN OVERSIGHT

VA-22-0316-A-000728

	A	B	C	D	E	F
1	Owner	LW				
2	Count	10				
3	Owner	LAS Type	Bill No.	Patron	Summary	Notes
4	LW	Primary	HB0127	Davis	Academic year Governor's Schools; certain practices prohibited and permitted. Prohibits any academic year Governor's School or governing board member, director, administrator, or employee thereof from (i) discriminating against or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin; (ii) engaging in proxy discrimination, as defined in the bill, in student admissions; or (iii) seeking information on students' race, sex, color, ethnicity, or national origin during the application process for admission to such school unless expressly required by federal law, and to the extent it is required by federal law, the bill requires such information to be withheld to the maximum extent practicable from any individual involved in admissions decisions to the end that admissions decisions are blind as to the applicants' race, sex, color, ethnicity, and national origin. The bill permits any academic year Governor's School or governing board member, director, administrator, or employee thereof to use traditional academic success factors, as defined in the bill, in student admissions and provides that such use presumptively does not constitute proxy discrimination. The bill also contains provisions relating to evidentiary burdens of proof in certain causes of action involving such proxy discrimination or traditional academic success factors.	
5	LW	Primary	HB0319	Coyner	Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research. Makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking initial licensure with an endorsement in a certain area, including as a reading specialist, to demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the bill; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each school board to establish a divisionwide literacy plan; and (iv) each local school board to provide a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024–2025 school year.	
6	LW	Primary	HB0486	Subramanyam	Thomas Jefferson High School for Science and Technology; admissions requirements. Requires the Thomas Jefferson High School for Science and Technology academic year Governor's School in Fairfax County to annually admit for first-time enrollment as freshmen at least 100 students who reside in the Loudoun County school division.	
7	LW	Primary	HB0533	Batten	Public elementary and secondary schools; agreements to establish opportunity classrooms. Requires each school board to enter into an agreement, upon request, with a public elementary or secondary school teacher or a group of such teachers in a local school division who represents more than 20 students to establish an opportunity classroom, which the bill defines as a classroom in which a curriculum in English, mathematics, science, history and social science, and any other subject area, as set forth in such agreement, is offered that is different than any curriculum that is otherwise offered in such subject areas in the local school division. The bill permits each school board to enter into such agreement for an opportunity classroom if the requesting teacher or group of teachers represents fewer than 20 students. The bill contains requirements for such agreements to establish opportunity classrooms and provisions relating to funding for opportunity classrooms and for services, transportation, and assessments for students who are enrolled in an opportunity classroom.	
8	LW	Primary	HB0938	Robinson	Board of Education; evaluation of and recommendations for certain current and proposed policies and performance standards for public elementary and secondary schools. Requires the Board of Education to collaborate with the Superintendent of Public Instruction and the Secretary of Education to evaluate, to implement where possible, and to otherwise make recommendations to the General Assembly regarding the following goals: (i) promoting excellence in instruction and student achievement in mathematics, including elimination of the Virginia Mathematics Pathways Initiative and an evaluation of any other proposed changes to the Mathematics Standards of Learning, in advance of the next revision of such standards by the Board, to maintain and increase the rigor of mathematics instruction in public elementary and secondary schools and permit students demonstrating aptitude and high achievement in mathematics to accelerate their progress through core mathematics classes and concepts and take advanced mathematics courses before the eleventh grade; (ii) increasing the number of academic year Governor's Schools in the Commonwealth and maintaining standards of excellence for students in all such schools; (iii) preserving the Advanced Studies Diploma as an option for students in public high schools in the Commonwealth while maintaining or increasing course and credit requirements for such diploma; (iv) increasing the transparency and honesty of performance measures for public elementary and secondary schools in the Commonwealth and ensuring that such measures do not obscure or conceal disparities in performance among student groups; (v) ensuring that performance measures for public elementary and secondary schools prioritize the attainment of grade-level proficiency in reading and mathematics for all students, especially in grades kindergarten through five; (vi) ensuring that the Commonwealth's proficiency standards on Standards of Learning assessments in reading and mathematics are rigorous in comparison with assessments administered by other states and national assessments in reading and mathematics; and (vii) restoring a strong accreditation system that promotes meaningful accountability year-over-year. The bill requires the Secretary of Education and the Superintendent of Public Instruction, no later than November 30, 2022, to report to the chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such evaluation and recommendations to achieve such goals.	
9	LW	Primary	SB0161	Hashmi	Department of Education; heat-related illness; guidelines. Directs the Department of Education, in conjunction with stakeholders, to develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk of heat-related illness, how to recognize the signs of heat-related illness, and how to prevent heat-related illness to be distributed to local school divisions by August 1, 2022.	

AMERICAN OVERSIGHT

VA-22-0316-A-000729

	G	H	I	J
1				
2				
3	FIS	Added	Assigned	Drafter Notes
4		1/8/2022	1/9/2022	
5		1/12/2022	1/13/2022	
6		1/12/2022	1/12/2022	
7		1/12/2022	1/12/2022	
8		1/12/2022		
9		1/11/2022	1/11/2022	

AMERICAN OVERSIGHT

	A	B	C	D	E	F
10	LW	Primary	SB0261	Hashmi	Virginia STEM Education Advisory Board; comprehensive review of labor statistics categories; report. Directs the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board (the Board) to perform a comprehensive review of U.S. Bureau of Labor Statistics categories within the standard occupational classification system and assess deficit areas that do not capture Virginia's existing STEM+C (Computing) workforce profile for the purpose of better aligning K-12 and higher education priorities. The Board shall report its findings to the Virginia Economic Development Partnership Authority Office of Education and Labor Market Alignment and the Chairmen of the House Committee on Communications, Technology and Innovation and the Senate Committee on General Laws and Technology no later than October 1, 2022.	
11	LW	Primary	SB0275	DeSteph	Public school libraries; printed and audiovisual materials; selection, evaluation, checkout, and removal procedures. Requires each local school board to adopt policies that address the selection and evaluation of all printed and audiovisual materials purchased by, donated to, or otherwise made available to the school division that will be available to students in school libraries and requires such policies to contain clear procedures for (i) parental involvement in and a reasonable opportunity for public comment before the selection and evaluation of printed and audiovisual materials that will be available to students in school libraries; (ii) mandatory prior written parental consent before a student is permitted to check out from the school library any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law; and (iii) the removal from the school library of any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law.	
12	LW	Primary	SB0603	Stanley	Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. Requires the Board of Education (the Board) to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022. This bill is a recommendation of the Commission on School Construction and Modernization.	Companion to HB1100 (LaRock)
13	LW	Primary	SB0616	Lucas	Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research. Makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking initial licensure with an endorsement in a certain area, including as a reading specialist, to demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the bill; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each school board to establish a divisionwide literacy plan; and (iv) each local school board to provide a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024—2025 school year.	Companion to HB319 (Coyner)

AMERICAN OVERSIGHT

	G	H	I	J
10		1/12/2022		
11		1/12/2022		
12				
13				

AMERICAN OVERSIGHT

	A	B	C	D
1	Bill No.	Patron	Summary	LAS
2	HB0150	March	Virginia Freedom of Information Act; posting of minutes; local public bodies. Requires, with certain exceptions outlined in the bill, any local public body subject to the provisions of the Freedom of Information Act to post meeting minutes on its official public government website, if any, within seven working days of final approval of the minutes. The bill provides that if a local public body does not own or maintain an official public government website, it shall make copies of all meeting minutes available no later than seven working days after the conclusion of a meeting at a prominent public location in which meeting notices are regularly posted, at the office of the clerk of the public body, or, in the case of a public body that has no clerk, at the office of the chief administrator.	
3	HB0154	March	Virginia Freedom of Information Act; public records database. Requires the establishment of a publicly available, centralized database for all public records. All public bodies will be required to transfer any public records in its possession to the database. The bill directs VITA, in consultation with the FOIA Council, to (i) convene a workgroup consisting of representatives from state and local public bodies in every region of the Commonwealth to conduct research, evaluate data, and determine a plan for implementation of the database and (ii) report its recommendations to the Governor and the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before December 1, 2022. The provisions of the bill that establish the central public records database shall become effective on July 1, 2023, and the provisions of the bill requiring every public body to submit its public records to VITA for inclusion in the central public records database shall become effective on January 1, 2024.	
4	HB0307	Frietas	Virginia Freedom of Information Act; estimated charges. Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost. The bill also requires a public body to notify the requester in writing of any estimated costs for the supplying of requested records prior to conducting a search for such records.	
5	HB0331	Krizek	Virginia Freedom of Information Act; procedure for requesting records. Adds a requirement that a request for public records made pursuant to the Virginia Freedom of Information Act shall be made in writing and sent by the requester to the public body by registered mail, certified mail, or any other similar first-class mail tracking method used or approved by the United States Postal Service.	

AMERICAN OVERSIGHT

	A	B	C	D
6	HB0444	Bennett-Parker	Virginia Freedom of Information Act; meetings conducted through electronic meetings. Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments.	
7	HB0599	Roem	Virginia Freedom of Information Act; charges for production of public records. Prohibits a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual record requests to such public body within 31 consecutive days. The bill provides that for any additional time spent accessing or searching for such records, or when such requester makes five or more individual record requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or $33 per hour. The bill allows a public body to petition the appropriate court for relief from the $33 per hour fee cap upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for $33 per hour or less and requires such petition to be heard within seven days of when the petition is made, provided that the public body has sent and the requester has received a copy of the petition at least three working days prior to filing. The bill also provides that in certain instances a hearing on any petition shall be given precedence on a circuit court's docket over all cases that are not otherwise given precedence by law and that the time period the public body has to respond to a record request shall be tolled between the requester's receipt of the petition and the final disposition of the court. Finally, the bill prohibits a public body from charging a requester for any court costs or fees resulting from a petition and requires a public body to post on its website or otherwise publish a written policy (i) explaining how the public body assesses charges for accessing or searching for	
8	HB0722	Gooditis	Virginia Freedom of Information Act; meetings held through electronic communication means; local advisory boards and commissions. Allows a local public body that serves in an advisory capacity to gather through electronic communication means without a quorum of the public body physically assembled at one primary or central meeting location if certain conditions, outlined in the bill, are met.	

AMERICAN OVERSIGHT

	A	B	C	D
9	HB0970	O'Quinn	Public agencies; privacy of personal information. Provides that public agencies shall not request personal information, defined in the bill. The bill amends the Virginia Freedom of Information Act definition of "public record" to exclude personal information. The bill also exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information.	
10	SB0152	Locke	Virginia Freedom of Information Act and Virginia Freedom of Information Advisory Council; definition; official public government website. Defines "official public government website" as it applies to the Virginia Freedom of Information Act and the Virginia Freedom of Information Advisory Council as any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to the Virginia Freedom of Information Act on behalf of the public body. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.	
11	SB0214	McPike	Virginia Freedom of Information Act; meetings conducted through electronic meetings. Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments.	
12	SB0324	Vogel	Public agencies; privacy of personal information. Provides that public agencies shall not request personal information, defined in the bill. The bill amends the Virginia Freedom of Information Act definition of "public record" to exclude personal information. The bill also exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information.	
13	HB0687			
14	HB0688			
15				
16				
17				

AMERICAN OVERSIGHT

	A	B	C	D
1	Bill No.	Patron	Summary	LAS
2	HB0329	Frietas	Administrative Process Act; regulations; public notice and economic impact; prohibition on certain regulations. Requires that an agency prepare a detailed notice of intended regulatory action for any regulation that it plans to promulgate. The bill requires that prior to publication by the Registrar of Regulations, the notice of intended regulatory action be submitted to the Attorney General for a determination as to whether the agency has the explicit authority to promulgate the regulation as proposed in the notice of intended regulatory action. The bill requires the	

AMERICAN OVERSIGHT

	A	B	C	D
			Administrative Process Act; powers and duties of executive branch agencies; regulatory compliance officer. Provides that each executive branch agency in the Commonwealth authorized to promulgate regulations shall designate one person to serve as the regulatory compliance officer for that agency and provides for the powers and duties of such regulatory compliance officer.	
3	HB0722	Hodges		
			Department of Planning and Budget; Regulatory Budget Program; report. Directs the Department of Planning and Budget, under the direction of the Secretary of Finance, to establish a continuous Regulatory Budget Program with the goal of setting a target for each executive branch agency subject to the Administrative Process Act to (i) reduce regulations and regulatory requirements, (ii) maintain the current number of regulations and regulatory requirements, or (iii) allow regulations and regulatory requirements to increase by a specific amount over a two-year period. The bill	
4	SB0372	Hackworth		

AMERICAN OVERSIGHT

	A	B	C	D
5	SB480			

AMERICAN OVERSIGHT

	A	B	C	D
1	Bill No.	Patron	Summary	LAS
2	HB0374	Graves	Virginia Public Procurement Act; construction contracts; requirement to submit list of subcontractors; penalty. Requires all bidders or offerors on contracts for construction of $250,000 or more to submit a list of subcontractors intended to be used and the following: (i) a statement declaring that the bidder or offeror has reviewed the qualifications and performance history of each listed subcontractor and found such qualifications and performance history to be sufficient to qualify the subcontractor	

AMERICAN OVERSIGHT

	A	B	C	D
3	HB0966	Subramanyam	Virginia Public Procurement Act; executive branch agencies' goals for participation by small businesses; requirements. Provides that executive branch agencies shall formulate policies and procedures for a set-aside program, which shall, at a minimum, require that purchases up to certain amounts be set aside for small businesses and micro-businesses, defined in the bill, certified by the Department of Small Business and Supplier Diversity.	

AMERICAN OVERSIGHT

	A	B
1	LAS Owner	LAS Type
2	DEC	Primary
3	EC	Comment
4	JC	Monitor
5	LR	
6	LS	
7	LW	
8	RA	
9	RW	

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT ♥F EDUCATION

VIRGINIA DEPARTMENT ♥F EDUCATION

VIRGINIA IS FOR LEARNERS

REPORT ON 2022 GENERAL ASSEMBLY ACTIVITY

This report provides and overview of legislation introduced during the 2022 Regular Session of the General Assembly related to preK-12 education as well as early childhood care and licensure. Updated as of January 14, 2022.

AMERICAN OVERSIGHT

VA-22-0316-A-000742

ASSESSMENTS
BOARD OF EDUCATION
CHILDREN SERVICES ACT
EARLY CHILDHOOD
FACILITIES AND TRANSPORTATION
INSTRUCTION
LOCAL SCHOOL BOARDS AND DIVISIONS
MISCELLANEOUS
SCHOOL HEALTH AND NUTRITION
SCHOOL SAFETY
SPECIAL EDUCATION
STANDARDS OF QUALITY
STUDIES
STUDENT SERVICES
TEACHER EDUCATION, LICENSURE, AND COMPENSATION
TAX CREDITS AND SAVINGS PROGRAMS

THIS IS HEADING 3

This is Heading 4

This is Body Text

- This is a List Paragraph
- http://doe.virginia.gov/ - for color reference, not an example of an accessible link.

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/28/2022 9:20:19 AM
To: "Miller, Kerry" <kerry.miller@doe.virginia.gov>
Cc: "Ramnarain, Vijay (DOE)" <vijay.ramnarain@doe.virginia.gov>, "Herring, Jackie (DOE)" <jackie.johnson@doe.virginia.gov>, "Troy Myers" <Troy.Myers@doe.virginia.gov>
Subject: Re: CDC Mask Change

Hi Kerry -

I haven't heard how this will impact the CDC order for conveyances. I'll look into this and report back!

On Mon, Feb 28, 2022 at 7:02 AM Miller, Kerry <kerry.miller@doe.virginia.gov> wrote:

> Leslie,
>
> The new CDC guidance is adding to the mask mandate confusion on school buses.
>
> With the new CDC guidelines, are masks still required on school buses through March 18?
>
> Thanks for your help.

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT ♥F EDUCATION
101 N. 14th Street Richmond, VA 23219
804-225-2772 / kerry.miller@doe.virginia.gov

---------- Forwarded message ---------
From: **Miller, Kerry** <kerry.miller@doe.virginia.gov>
Date: Mon, Feb 28, 2022 at 6:58 AM
Subject: Re: CDC Mask Change
To: Mervin Hence <mhence@nkcps.k12.va.us>, Furby, Francine <fffurby@fcps.edu>

> Mervin and Francine,
>
> The current TSA mandate expires March 18th.
>
> I need to check with our policy dept. to see if the updated CDC guidance will affect the TSA mandate.
>
> Thanks

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT ♥F EDUCATION
101 N. 14th Street Richmond, VA 23219
804-225-2772 / kerry.miller@doe.virginia.gov

On Fri, Feb 25, 2022 at 6:56 PM Mervin Hence <mhence@nkcps.k12.va.us> wrote:

> Hey Kerry,
>
> CDC changed their guidelines on the mask situation for students on buses. Are we in the clear to change it or do we have to wait for something to come out from TSA?
> --
>
> Mervin A Hence
> Director of Pupil Transportation
> New Kent County Public Schools
> (804) 966.9669-Office
> (804) 966.8598-Fax
>
> ***This message was sent via Mervin Hence's iPhone***

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 3/2/2022 10:10:32 AM
To: "Askew, Rebecca" <rebecca.askew@doe.virginia.gov>
Cc: "Morris, Elizabeth (DOE)" <elizabeth.morris@doe.virginia.gov>
Subject: Re: Citizens inquiring about the mask

I've also heard from Rob Ramsey. I can plan to call him back once we have the okay.

Thank you!

On Tue, Mar 1, 2022 at 6:09 PM Askew, Rebecca <rebecca.askew@doe.virginia.gov> wrote:

> These are the persons who I need to reach out to re the mask mandate.
>
> Christian Yingling
> Robert Ramsey
> Joe Duncan
> Jenny Warner
>
> --
>
> REBECCA S. ASKEW | SENIOR POLICY ANALYST
> OFFICE OF POLICY
> VIRGINIA DEPARTMENT ♥F EDUCATION
> 804.225.2775 | rebecca.askew@doe.virginia.gov

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/23/2022 11:11:32 AM
To: "-, POLICY" <policy@doe.virginia.gov>
Cc: "Rebecca Askew" <rebecca.askew@doe.virginia.gov>, "Emily Webb" <emily.webb@doe.virginia.gov>
Subject: Re: ECPS Board Policy Conflict

Hi all -

Thank you for forwarding! It looks like the superintendent's email replied on a separate thread so we can check this one off assuming no follow up.

Thank you,

Leslie

On Tue, Feb 22, 2022 at 1:05 PM -, POLICY <policy@doe.virginia.gov> wrote:

> Hi Leslie,
>
> I believe you asked these complaints about Essex be forwarded to you. I'm copying Rebecca Askew and Emily because I know this particular constituent has communicated with several offices throughout VDOE.
>
> Let me know if you'd prefer me to respond.
>
> Thank you,
> Elizabeth
>
> OFFICE OF POLICY
> VIRGINIA DEPARTMENT of EDUCATION
> 804.225.2092 | policy@doe.virginia.gov
>
> ---------- Forwarded message ---------
> From: **Constituent Services, rr** <constituentservices@doe.virginia.gov>
> Date: Tue, Feb 22, 2022 at 12:47 PM
> Subject: Fwd: ECPS Board Policy Conflict
> To: POLICY - <policy@doe.virginia.gov>
>
> Constituent Services
> Virginia Department of Education
> 101 N. 14th Street
> PO Box 2120
> Richmond, VA 23218-2120
> constituentservices@doe.virginia.gov
>
> ---------- Forwarded message ---------
> From: **Holloman, Yvonne** <yvonne.holloman@doe.virginia.gov>
> Date: Wed, Feb 16, 2022 at 9:14 AM
> Subject: Fwd: ECPS Board Policy Conflict
> To: rr Constituent Services <constituentservices@doe.virginia.gov>
>
> FYI - received the email below.
>
> Yvonne A. Holloman, Ph.D.
> Special Projects Coordinator
> Office of School Quality
> VIRGINIA DEPARTMENT of EDUCATION
> 804.225.2865 | yvonne.holloman@doe.virginia.gov
>
> ---------- Forwarded message ---------
> From: **Cherlanda Sidney-Ross** <c.sidneyross@gmail.com>
> Date: Wed, Feb 16, 2022 at 7:47 AM
> Subject: ECPS Board Policy Conflict
> To: SpecialEducationOmbudsman@doe.virginia.gov <SpecialEducationOmbudsman@doe.virginia.gov>, superintendent@doe.virginia.gov <superintendent@doe.virginia.gov>, elizabeth.schultz@doe.virginia.gov <elizabeth.schultz@doe.virginia.gov>, rosa.atkins@doe.virginia.gov <rosa.atkins@doe.virginia.gov>, adria.merritt@doe.virginia.gov <adria.merritt@doe.virginia.gov>, heidi.wilson@doe.virginia.gov <heidi.wilson@doe.virginia.gov>, jim.chapman@doe.virginia.gov <jim.chapman@doe.virginia.gov>, leslie.sale@doe.virginia.gov <leslie.sale@doe.virginia.gov>, yvonne.holloman@doe.virginia.gov <yvonne.holloman@doe.virginia.gov>, megan.moore@doe.virginia.gov <megan.moore@doe.virginia.gov>, mikaela@vsba.org <mikaela@vsba.org>, rjordan@npsk12.com <rjordan@npsk12.com>
>
> To Whom It May Concern,
>
> On January 31, 2022, the Essex County Public School (ECPS) Board approved a motion to end all COVID mitigation strategies in the schools and on school buses. The Special Called Meeting was advertised as a meeting to discuss the masking mandate that was reversed by the Governor's Executive Order #2. The Chair, called the meeting to order to discuss masking only during this meeting which was streamed live via YouTube and was recorded. The ECPS Board Policy BDB reads in part, "…Business that does not come within the purposes set forth in the call of the meeting is not transacted at any special meeting of the School Board unless the members present unanimously agree to consider additional items of business…".
>
> Additionally, the public meeting notice read:
>
> **School Board Special Called Meeting 01/31/22**
> Posted on 01/25/2022
> Essex County School Board will hold a Special Called meeting on Monday, January 31, 2022, at 6:00 p.m. to discuss and receive public comment on the School Mask Mandate Executive Order Exception. The meeting will be held in the Essex High School Auditorium.

AMERICAN OVERSIGHT

I am certain that all five board members did not unanimously agree to conduct business outside of the scope of the public meeting notice whose focus was the masking mandate under Governor's Executive Order #2 because two of the five were blindsided by this motion and voted against it. Two of the five members have not had Board Member training, because if they are trained they have to be held accountable and held to a standard of knowing the policy. The Vice Chair made a motion to accept the Board's Code of Conduct, which died because this divisive board does not want to be held accountable. Who it is that can answer the question as to whether or not this motion was made, voted on and approved in a manner that is above board and in accordance with existing Board Policy BDB?

Someone has to hold this board accountable. We continue to fight on behalf of our students, those with disabilities and those with exceptional abilities, our staff and teachers.

Additionally, this infographic calls into question the Board's use of Federal Funds to make improvements due to the same COVID mitigation strategies they have eliminated. This should be investigated as well.

Please have someone advise.

Respectfully,

Cherlanda Sidney-Ross

Get Outlook for iOS

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/27/2022 4:17:21 PM
To: "Askew, Rebecca" <rebecca.askew@doe.virginia.gov>
Cc: "Elizabeth Carlton" <elizabeth.morris@doe.virginia.gov>, "Linda Wallinger" <linda.wallinger@doe.virginia.gov>, "Westfall, Rebecca" <rebecca.westfall@doe.virginia.gov>
Subject: Re: EO1

Hi Rebecca -

Yes, this is public and can be shared.

Thanks for confirming!

On Sat, Feb 26, 2022 at 3:29 PM Askew, Rebecca <rebecca.askew@doe.virginia.gov> wrote:

> Just verifying that we can send this out now, correct?
>
> On Fri, Feb 25, 2022 at 4:34 PM Sale, Leslie <leslie.sale@doe.virginia.gov> wrote:
>
> > ICYMI --
> >
> > https://www.doe.virginia.gov/statistics_reports/interim-30-day-report-on-inherently-divisive-concepts.pdf
>
> --

REBECCA S. ASKEW | SENIOR POLICY ANALYST
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.225.2775 | rebecca.askew@doe.virginia.gov

--



LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 1/18/2022 5:28:40 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Holly Coy" <holly.coy@doe.virginia.gov>
Subject: Re: FOIA request - CRT emails

Thanks for looping me in, Rebecca! I'll defer to Holly on the process for fulfillment on this one.

On Tue, Jan 18, 2022 at 2:59 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Before I begin working on this request, I wanted to make you both aware of it.
>
> Please confirm that you want Communications to handle it or should I?
>
> Rebecca A.
>
> ---------- Forwarded message ---------
> From: **Ben Paviour** <bpaviour@vpm.org>
> Date: Tue, Jan 18, 2022 at 2:42 PM
> Subject: FOIA request - CRT emails
> To: foia@doe.virginia.gov <foia@doe.virginia.gov>
>
> Hi Rebecca,
>
> I'd like to request the following records:
>
> 1. Copies of any emails in the accounts of both Jillian Balow or Elizabeth Schultz containing the phrase "Critical Race Theory" or "divisive concepts" from 1/13/22 to the date this request is fulfilled.
>
> I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.
>
> That said, please let me know if there will be any costs associated with this request or if you have any questions.
>
> Best,
> Ben
>
> **Ben Paviour**
> State Politics Reporter
> Phone 434.282.9472
>
> **VPM** | Virginia's home for public media
> 23 Sesame Street, Richmond, Virginia 23235
> VPM.org | @myVPM on Facebook, Twitter and Instagram

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/3/2022 11:57:32 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>, "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA Request Feb. 2, 2022

Approved.

On Thu, Feb 3, 2022 at 9:24 AM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good morning, Dicky:
>
> I hope this message finds you well. Please see the below FOIA request we received this morning from a reporter with The Daily Progress for copies of all "electronic copies of emails to and from state superintendent of public instruction, Jillian Balow, regarding Executive Order No. 1 and/or helpeducation@governor.virginia.gov<mailto:helpeducation@governor.virginia.gov> from Jan. 21 to Feb. 2."
>
> At your earliest opportunity, I kindly request that you advise whether you approve of an email search for any responsive records. If approved, I will coordinate with Dave Myers in order to conduct the necessary search. Should any responsive emails be identified, I will ensure that you have an opportunity to review them prior to release. Without an extension, our response will be due by or before next **Thursday, February 10th.**
>
> Should you have any questions or concerns, please do not hesitate to contact me. I greatly appreciate your assistance.
>
> Best regards,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **Katherine Knott** <kknott@dailyprogress.com>
> Date: Wed, Feb 2, 2022 at 9:40 PM
> Subject: FOIA Request Feb. 2, 2022
> To: foia@doe.virginia.gov <foia@doe.virginia.gov>
>
> Feb. 2, 2022?
>
> Dear Rebecca Askew,
>
> Under the Virginia Freedom of Information Act, Virginia Code Section 2.2-3700 and following, I'm requesting electronic copies of emails to and from state superintendent of public instruction, Jillian Balow, regarding Executive Order No. 1 and/or helpeducation@governor.virginia.gov<mailto:helpeducation@governor.virginia.gov> from Jan. 21 to Feb. 2.
>
> ?If you determine that only portions of a file are exempted from release, I request that I be provided with all non-exempt portions or redacted versions as well as the specific exemption you are citing. I reserve my right to object to any withholding or deletion of information.
>
> Please provide an estimate of costs prior to meeting my request.
>
> If you have any questions concerning this request, please call me at (434) 422-7298.
>
> I look forward to your response within five days as provided by the Act.
>
> Sincerely,
>
> Katherine Knott?
>
> ---
>
> Katherine Knott
> K-12 Reporter | The Daily Progress
> O: (434) 978-7263 | M: (434) 422-7398
> kknott@dailyprogress.com | www.dailyprogress.com<http://www.dailyprogress.com>

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/3/2022 11:40:32 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA Request

Approved.

On Thu, Feb 3, 2022 at 3:26 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good evening, Dicky:
>
> I promise this is the last request I will send you today. Please see the below Virginia FOIA request we received earlier today for copies of "all emails from the Office of the Governor to VDOE and from VDOE to the Office of the Governor related to helpeducation@governor.virginia.gov" from the time of its creation to February 2nd.
>
> **If you approve of an agency-wide email search for any responsive emails, I will work with Dave Myers to complete the necessary search.**
>
> I appreciate your help. I hope you have a good evening!
>
> Best,
> Rebecca W.
> ---------- Forwarded message ---------
> From: **Tim Hickey** <timhickeyteacher@gmail.com>
> Date: Thu, Feb 3, 2022 at 11:33 AM
> Subject: Re: FOIA Request
> To: FOIA, rr <foia@doe.virginia.gov>
>
> Thank you,Rebecca. My address is 4765 Ragged Mountain Lane, Charlottesville, VA 22903.
>
> -Tim Hickey
>
> On Thu, Feb 3, 2022 at 11:30 AM FOIA, rr <foia@doe.virginia.gov> wrote:
>
> > Good morning, Mr. Hickey:
> >
> > I am writing to confirm receipt of your revised Virginia FOIA request below. As permitted by Va. Code § 2.2-3704(A), we kindly request that you provide your complete legal address. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.
> >
> > Have a good afternoon.
> >
> > Best regards,
> > Rebecca Westfall
> >
> > On Thu, Feb 3, 2022 at 10:55 AM Tim Hickey <timhickeyteacher@gmail.com> wrote:
> >
> > > Thank you for clarifying. In that case, I request all emails from the Office of the Governor to VDOE and from VDOE to the Office of the Governor related to helpeducation@governor.virginia.gov. Thank you.
> > >
> > > On Thu, Feb 3, 2022 at 10:08 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> > >
> > > > Good morning, Mr. Hickey:
> > > >
> > > > I hope this message finds you well. I am writing in response to your Virginia FOIA request below for copies of all emails sent to the email address helpeducation@governor.virginia.gov from the time of its creation through yesterday. Please be advised that this email account is maintained by the Office of the Governor, not the Virginia Department of Education. Accordingly, please direct this request to the Office of the Governor (please see their contact information below).
> > > >
> > > > **BY EMAIL**
> > > > FOIA@governor.virginia.gov with the phrase "FOIA Request" included in the subject line of the email.
> > > >
> > > > **BY MAIL**
> > > > Office of the Governor
> > > > Patrick Henry Building
> > > > 1111 East Broad Street
> > > > Richmond, Virginia 23219
> > > >
> > > > **BY PHONE**
> > > > 804-786-2211
> > > >
> > > > **BY FAX**
> > > > 804-786-3985
> > > >
> > > > I hope you have a great rest of the week.
> > > >
> > > > Best regards,
> > > > Rebecca Westfall
> > > >
> > > > On Wed, Feb 2, 2022 at 5:26 PM Tim Hickey <timhickeyteacher@gmail.com> wrote:
> > > >
> > > > > Good evening. Pursuant to VA Code Section 2.2-3704, please send me a copy of all emails sent to the email address helpeducation@governor.virginia.gov from the time of its creation to today. An electronic copy (e.g. PDF, will suffice).
> > > > >
> > > > > Thank you.
> > > > >
> > > > > Tim Hickey
> > > > > (434)566-3382

AMERICAN OVERSIGHT

From: Saxton, Richard <dicky.saxton@doe.virginia.gov>
Sent: 2/3/2022 11:46:08 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <Leslie.Sale@doe.virginia.gov>
Subject: Re: FOIA request

Attachments: Outlook-luvbnoop.png

Approved, thank you.

On Thu, Feb 3, 2022 at 1:19 PM FOIA, rr <foia@doe.virginia.gov> wrote:

Good afternoon, Dicky:

Please see the below Virginia FOIA request we received earlier today from WAVY-WVBT for: (1) "copies of any written directives, instructions and/or guidance that the Virginia Department of Education has received from Gov. Glenn Youngkin's office regarding the implementation of Executive Order 1; and (2) "copies of any directives, instructions, and/or guidance that VDOE has received from the Governor's office regarding the divisive learning tip line." I am currently waiting for the reporter to confirm the intended date range for this request.

At your earliest opportunity, I kindly request that you advise whether you approve of an email search for any responsive records. If approved, I will coordinate with Dave Myers in order to conduct the necessary search. Are you also able to assist me with identifying any individuals who may have other responsive records that would not be captured in an email search, and/or assist with obtaining any such records from these individuals?

Without an extension, our response will be due by or before next Thursday, February 10th. Thank you in advance for your help!

Best regards,
Rebecca W.

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 3, 2022 at 1:10 PM
Subject: Re: FOIA request
To: <Adrienne.Mayfield@wavy.com>

Good afternoon:

I hope this message finds you well. Mr. Pyle forwarded me your Virginia FOIA request below. By way introduction, my name is Rebecca Westfall and I am the Agency Compliance and FOIA Specialist with VDOE's Office of Policy. We kindly request that you please confirm the intended date range for this request. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.

Have a great afternoon.

Best regards,
Rebecca Westfall

---------- Forwarded message ---------
From: **Adrienne Mayfield** <Adrienne.Mayfield@wavy.com>
Date: Thu, Feb 3, 2022 at 10:45 AM
Subject: FOIA request
To: Charles.Pyle@doe.virginia.gov <charles.pyle@doe.virginia.gov>
Cc: Jon Dowding <Jon.Dowding@wavy.com>

Good morning,

I am making a request under the Freedom of Information Act.

I am requesting copies of any written directives, instructions and/or guidance that the Virginia Department of Education has received from Gov. Glenn Youngkin's office regarding the implementation of Executive Order 1.

I am also requesting copies of any directives, instructions, and/or guidance that VDOE has received from the Governor's office regarding the divisive learning tip line.

I am requesting that your office waive any fees associated with this request; however, if you choose to charge for this request, I would like an estimated cost ahead of its fulfillment.

Thank you,

Adrienne Mayfield
Executive Producer of Investigations and Special Projects
WAVY-TV 10/WVBT FOX43
300 WAVY Street
Portsmouth, VA 23704
757-673-5425 Office
adrienne.mayfield@wavy.com

WAVY/WVBT does not discriminate in advertising contracts on the basis of race, ethnicity or gender and further requires that in the performance of all WAVY/WVBT advertising agreements, WAVY/WVBT requires that each party not discriminate on the basis of race or ethnicity.

This e-mail and any files transmitted with it are the property of Nexstar Media Inc., are confidential, and are intended solely for the use of the individual or entity to whom this e-mail is addressed and/or as indicated in the applicable file. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

AMERICAN OVERSIGHT







AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/2/2022 10:16:48 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>, "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Subject: Re: FOIA Request

Approved, thanks.

On Wed, Feb 2, 2022 at 2:14 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good afternoon:
>
> Please see below for the second FOIA request we received this afternoon, which is seeking copies of all helpeducation@governor.virginia.gov emails that have been passed on to VDOE. At your earliest opportunity, I kindly request that you advise whether you approve of an agency-wide email search for any responsive records.
>
> Thank you in advance for your help!
>
> Best regards,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **Maggie Reeder-Thornton** <margaret.e.thornton@gmail.com>
> Date: Wed, Feb 2, 2022 at 3:38 PM
> Subject: FOIA Request
> To: <foia@doe.virginia.gov>
>
>
> Hello!
>
> I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice. Under § 2.2-3700 you have 5 days to respond, so I'm looking forward to hearing from you by then!
>
> With thanks,
> Margaret Thornton
> 332 10 1/2 St. NW
> Charlottesville, VA 22903
> --
> Maggie Reeder-Thornton, Ph.D.
> Check out CHS's classroom projects: https://www.donorschoose.org/school/charlottesville-high-school/34678/?teachers=true
> she/her/hers (What is this?)

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/2/2022 10:15:50 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA request

Approved, thank you. And no need to apologize, I know you are busy!

On Wed, Feb 2, 2022 at 3:01 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good evening, Mr. Shanor:
>
> I apologize for bombarding you with emails this afternoon. I just wanted to make you aware of a third request we just received, which is identical to the last one I forwarded you.
>
> Thank you in advance for your help!
>
> Best regards,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **tim thornton** <timothywthornton@gmail.com>
> Date: Wed, Feb 2, 2022 at 4:55 PM
> Subject: FOIA request
> To: <foia@doe.virginia.gov>
>
>
> Hello!
>
> I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice. Under § 2.2-3700 you have 5 days to respond, so I'm looking forward to hearing from you by then!
>
> With thanks,
> Tim Thornton
> 3760 Oldtown Road
> Shawsville, VA 24162
> Sent from my iPhone
>
>
> Sent from my iPhone

AMERICAN OVERSIGHT

VA-22-0316-A-000756

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/2/2022 10:17:29 PM
To: "FOIA, DOE" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA request: Records related to Governor's tip line

Approved, thank you Rebecca.

On Wed, Feb 2, 2022 at 2:11 PM FOIA, DOE <foia@doe.virginia.gov> wrote:

> Good afternoon, Mr. Shanor:
>
> I hope this message finds you well. Welcome to VDOE. I have not had an opportunity to meet you in person, so by way of introduction, I am Rebecca Westfall, the Agency Compliance & FOIA Specialist with the Office of Policy. I work closely with Rebecca Ashew on FOIA requests received by the department.
>
> VDOE received the below FOIA request this afternoon for copies of any internal VDOE paperwork related to the helpeducation@governor.virginia.gov email address. The below request was also sent directly to the FOIA email address for the Governor's Office. Without an extension, our response will be due by or before next Wednesday, February 9th.
>
> As I believe you are aware, in order to search for any responsive electronic correspondence, we typically work with Dave Myers, the Assistant Superintendent of Data, Research and Technology, who conducts an agency-wide search for any responsive emails. At your earliest opportunity, I kindly request that you advise whether you approve of the current process and the subject email search. I would also appreciate your assistance with identifying any individuals who may have responsive records that would not be captured in an email search.
>
> I will be forwarding you another similar FOIA request for review and approval momentarily. Should you have any questions or concerns, please do not hesitate to contact me (rebecca.westfall@doe.virginia.gov or (804) 225-3614) I greatly appreciate your help. I look forward to working with you.
>
> Best regards,
> Rebecca Westfall
>
> ---------- Forwarded message ---------
> From: **David Walrod** <dgwalrodjr.3@gmail.com>
> Date: Wed, Feb 2, 2022 at 3:34 PM
> Subject: FOIA request: Records related to Governor's tip line
> To: <foia@doe.virginia.gov>, <FOIA@governor.virginia.gov>
>
> On January 24, 2022, Governor Youngkin announced on conservative radio his intention to set up an email address intended to report schools or teachers for "inherently divisive practices." This email has since been announced publicly. I would like to request copies of any emails sent or received by the email address, helpeducation@governor.virginia.gov, as well as any internal VDOE paperwork related to this email address.
>
> David Walrod

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/3/2022 11:47:29 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA Request

Approved

On Thu, Feb 3, 2022 at 1:11 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good afternoon, Dicky:
>
> Please see the below Virginia FOIA request we received earlier today for copies of "any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts regarding the ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH." I am currently waiting for the requester to confirm the intended date range for this request.
>
> **At your earliest opportunity, I kindly request that you advise whether you approve of an email search for any responsive records. If approved, I will coordinate with Dave Myers in order to conduct the necessary search. Are you also able to assist me with identifying any individuals who may have other responsive records that would not be captured in an email search, and/or assist with obtaining any such records from these individuals?**
>
> Without an extension, our response will be due by or before next Thursday, February 10th. Should you have any questions or concerns, please do not hesitate to contact me. I greatly appreciate your assistance.
>
> Best regards,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **Matthew Sommer** <matthew.john.sommer@gmail.com>
> Date: Thu, Feb 3, 2022 at 8:47 AM
> Subject: Re: FOIA Request
> To: FOIA, rr <foia@doe.virginia.gov>
>
>
> Hello Rebecca,
>
> Matthew Sommer
> 949 Glenwood station lane
> #101
> Charlottesville, VA 22901
>
>
>
> On Thu, Feb 3, 2022 at 8:20 AM FOIA, rr <foia@doe.virginia.gov> wrote:
>
> > Good morning, Mr. Sommer:
> >
> > I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. As permitted by Va. Code § 2.2-3704(A), we kindly request that you provide your complete legal address. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.
> >
> > Have a good day.
> >
> > Best regards,
> > Rebecca Westfall
> >
> > On Wed, Feb 2, 2022 at 10:26 PM Matthew Sommer <matthew.john.sommer@gmail.com> wrote:
> >
> > > Hello,
> > >
> > > Any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts.
> > >
> > > Regarding:
> > >
> > > The ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH
> > >
> > > Please let me know if there is any expected charge.
> > >
> > > I am willing to accept this request digitally.
> > >
> > > Thank You,
> > > Matthew Sommer

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 3/3/2022 3:49:43 PM
To: "Clemmons, Maggie" <maggie.clemmons@doe.virginia.gov>
Cc:
Subject: Re: Legislative update

Attachments: Legislative Report-0302422-legislationonly.pptx ,Overview of the Virginia Literacy Act-030322.pptx ,final-legislative-report-030322.docx

---

Hi Maggie -

These are all very much working documents and pending any last action by the GA, but wanted to go ahead and send along what I have in the way of presentations/reports on GA activity. I have not plugged in Appropriation Act changes until there is a conference proposal.

Hope these help. Let me know if I can provide anything additional!

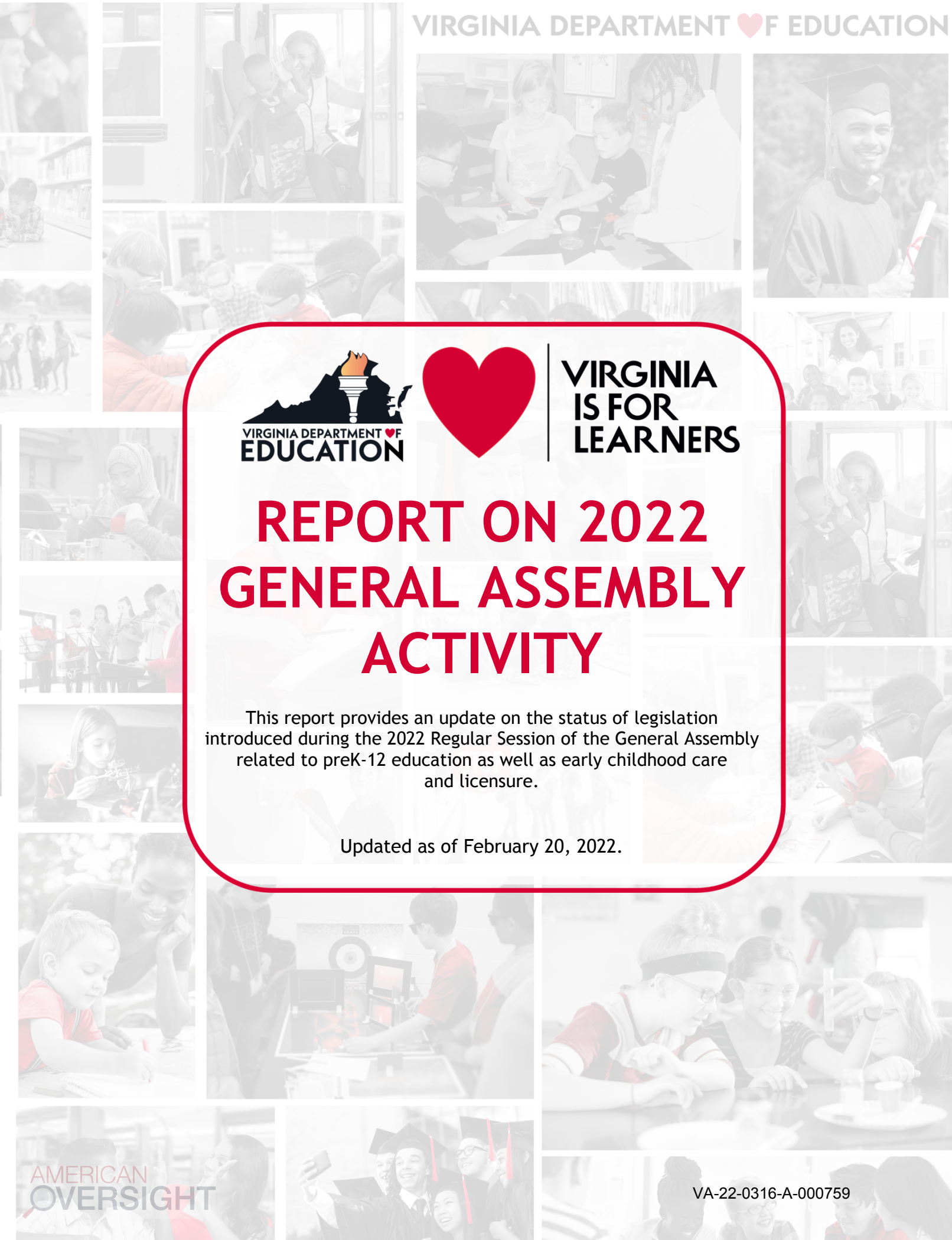
On Wed, Mar 2, 2022 at 2:14 PM Sale, Leslie <leslie.sale@doe.virginia.gov> wrote:
> You got it. I'll send those over when I have them in pretty good shape.
>
> On Wed, Mar 2, 2022 at 2:12 PM Clemmons, Maggie <maggie.clemmons@doe.virginia.gov> wrote:
> > That would be perfect!! Thanks!
> >
> > It's so much info, I'm just trying to figure out the best way to present it.
>
> MAGGIE M. CLEMMONS | DIRECTOR, LICENSURE AND SCHOOL LEADERSHIP
> DEPARTMENT OF TEACHER EDUCATION & LICENSURE
> VIRGINIA DEPARTMENT ♥ F EDUCATION
> 804.371.2476 | maggie.clemmons@doe.virginia.gov
>
> On Wed, Mar 2, 2022 at 2:09 PM Sale, Leslie <leslie.sale@doe.virginia.gov> wrote:
> > Hi Maggie -
> >
> > Happy to help!
> >
> > I am working on two legislative-related Board items - one full bill report which provides all of the bills introduced and have been greying them out as they fail and a slide deck on select, larger bills. I will have a working draft of both tomorrow or Friday. Would it delay you too much to share those then?
> >
> > Let me know what might be helpful!
> >
> > On Wed, Mar 2, 2022 at 2:00 PM Clemmons, Maggie <maggie.clemmons@doe.virginia.gov> wrote:
> > > Hey there,
> > > You're in the home stretch!!! I see the light at the end of the tunnel. (maybe)
> > >
> > > I wanted to touch base before I recreated the wheel to see if you already had a presentation ready for legislative updates. I have a session at the VASPA conference next week and I need to go over some items, and if you already had something, I thought I could beg, borrow, and steal. If not, I'll create and happy to share what I have.
> >
> > MAGGIE M. CLEMMONS | DIRECTOR, LICENSURE AND SCHOOL LEADERSHIP
> > DEPARTMENT OF TEACHER EDUCATION & LICENSURE
> > VIRGINIA DEPARTMENT ♥ F EDUCATION
> > 804.371.2476 | maggie.clemmons@doe.virginia.gov
> >
> > --
> >
> > LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
> > OFFICE OF POLICY
> > VIRGINIA DEPARTMENT ♥ F EDUCATION
> > 804.371.0558 | leslie.sale@doe.virginia.gov
>
> --
>
> LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
> OFFICE OF POLICY
> VIRGINIA DEPARTMENT ♥ F EDUCATION
> 804.371.0558 | leslie.sale@doe.virginia.gov

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT ♥F EDUCATION



VIRGINIA DEPARTMENT ♥F EDUCATION

VIRGINIA IS FOR LEARNERS

REPORT ON 2022 GENERAL ASSEMBLY ACTIVITY

This report provides an update on the status of legislation introduced during the 2022 Regular Session of the General Assembly related to preK-12 education as well as early childhood care and licensure.

Updated as of February 20, 2022.

AMERICAN OVERSIGHT

VA-22-0316-A-000759

TABLE OF CONTENTS

Appropriation Act **1**
- Compensation 1
- Direct Aid 1
- Early Childhood Care and Education 1
- Instruction 1
- Laboratory Schools 1
- School Construction 1
- School Resource Officer Grants 2
- Staffing and Student Support 2

Assessments **3**

Athletics, Interscholastic Programs, and Youth Sports **4**

Board of Education **5**

Charter and College Partnership Laboratory Schools **6**

Early Childhood Care and Education **6**

Facilities and Transportation **7**
- Facilities 7
- Transportation 10

Learning and Instructional Material **10**
- Career and Technical Education 10
- Family Life Education 11
- General Curriculum and Instructional Material 11
- Governor's Schools 15
- Literacy 15
- Other 15
- STEM+C 17

Local School Boards and Divisions **18**

Miscellaneous **19**

School Health and Nutrition **20**
- School Health 20
- School Nutrition 21

School Safety and Discipline **21**

Special Education and the Children's Services Act **24**

Standards of Quality **25**

Studies **25**

Student Services **26**

Teacher Education and Licensure **27**

Teacher Employment and Compensation **27**

Tax Credits, Vouchers, and Savings Programs **30**

AMERICAN OVERSIGHT

APPROPRIATION ACT

COMPENSATION

The introduced budget includes a 5% salary increase in each year of the biennium for funded Standards of Quality (SOQ) instructional and support positions. School divisions must provide a minimum 2.5% salary increase in FY23 and FY24 in order to access additional state funds through this program in FY24.

House Budget

Update

Senate Budget

Update

DIRECT AID

The introduced budget includes the state's share of routine rebenchmarking of costs for all SOQ and other Direct Aid programs. These technical adjustments include updates for factors such as funded salaries, Annual School Report data used to calculate prevailing support costs and positions, inflation factors, Standards of Learning (SOL) test score updates, enrollment updates, and projected caseloads for Lottery, incentive and categorical programs.

The introduced budget includes two hold harmless provisions: (1) A rebenchmarking hold harmless of $177.1M in FY23 and $177.4M in FY24 to address any rebenchmarking data elements impacted by the pandemic; and (2) $45.5M in FY23 and $112.5M in FY24 as a hold harmless related to reduced sales tax revenues due to the elimination of the state grocery tax (to be eliminated January 1, 2023).

House Budget

Update

Senate Budget

Update

EARLY CHILDHOOD CARE AND EDUCATION

The introduced budget takes several actions related to the ongoing expansion and improvement of our early childhood care and education programs, among them being: (1) Transitioning the at-risk three-year-old pilot to a standing program with an additional $6.0M in FY23 and $13.4M in FY24; (2) Funding in both years for teacher incentives and grow-your-own teacher grants to foster and keep well-prepared early childhood educators; and (3) Expanding the Mixed-Delivery program via the Virginia Early Childhood Foundation to support public-private delivery of pre-kindergarten services for at-risk three- and four-year-old children, as well as pilot a program to serve 200 infants and toddlers; and (4) Additional funding for the Mixed-Delivery Add-On Grant to better align state support amounts with the cost of service.

House Budget

Update

Senate Budget

Update

INSTRUCTION

Governor Youngkin has proposed language in the Caboose budget (HB29/SB29) requiring the Code of Virginia be amended to prohibit the promotion of inherently divisive concepts in public education.

House Budget

Update

Senate Budget

Update

AMERICAN OVERSIGHT
VA-22-0316-A-000761

LABORATORY SCHOOLS

Governor Youngkin has proposed a budget amendment of $100M in FY23 and $50M in FY24 for the creation of new Laboratory Innovation Charter Schools.

House Budget

Update

Senate Budget

Update

SCHOOL CONSTRUCTION

The introduced budget includes $500M in FY23 for school construction grants for non-recurring capital expenses. All school divisions receive a base $1.0 million allocation in the funding formula, with remaining funds distributed to school divisions on the basis of weighted ADM (a combination of projected ADM and the local composite index) based on actual March 31, 2022. There are also various language amendments related to the use of Literary Fund loans for school construction, including the elimination of the priority waiting lists, maximum loan amounts, add-on loan options, Board-awarded subsidy grants and loans, as well as a new reporting requirement.

House Budget

Update

Senate Budget

Update

SCHOOL RESOURCE OFFICER GRANTS

Governor Youngkin has proposed a budget amendment of $25.8M in both years to support the School Resource Officer Incentive Grants Fund and Program.

House Budget

Update

Senate Budget

Update

STAFFING AND STUDENT SUPPORT

The introduced budget proposes an additional $194.2M in FY23 and $74.2M in FY24 to increase the Basic Aid per pupil add-on range from its current maximum of 26% in FY 2022 to 49.5% in FY23 and to 36% in FY24 (to align with local maintenance of effort).

Additionally, the introduced budget includes an increase in staffing support for English Learner teachers beyond what is required in the SOQ. The staffing ratio would be funded at 22 per 1,000 students at a state cost of $9.7M in FY23 and by $10.5M in FY24.

House Budget

Update

Senate Budget

Update

AMERICAN OVERSIGHT
VA-22-0316-A-000762

***Bills that are greyed out were either continued to 2023, incorporated, left in committee, or failed to report.**

ASSESSMENTS

HB197 (Webert) Public elementary and middle schools; student growth assessments; NWEA MAP Growth assessment program. Requires the Board of Education, in implementing the through-year growth assessment system for the administration of reading and mathematics assessments in grades three through eight, to seek input and suggestions from each interested local school division in the Commonwealth regarding ways in which such system can emulate the functionality of the NWEA MAP Growth assessment program, including ease of administration and use, and shall, to the extent possible, incorporate such input and suggestions into the through-year growth assessment system.

HB433 (Bulova) Certain Standards of Learning assessments; method of administration. Requires (i) the reading and mathematics Standards of Learning assessments in grades three through eight and the science assessments administered to students in grade five and after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight to be traditional achievement tests and (ii) the Virginia Studies and Civics and Economics assessments to be performance based and to measure the test taker's ability to apply the skills and knowledge learned in the class. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also requires the Department of Education, with such funds as may be appropriated for such purpose pursuant to the general appropriation act, to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and align with the Department's Virginia Quality Criteria Review Tool for Performance Assessments. *Incorporated, in part, into HB585 (VanValkenburg)

HB585 (VanValkenburg) Middle and high school end-of-course assessments; number and type. Requires, except for those middle and high school students with significant cognitive disabilities who participate in an alternate assessment, each student in middle and high school to take only those end-of-course Standards of Learning assessments necessary to meet federal accountability requirements and Virginia high school graduation requirements. The bill requires the Department of Education, in addition to such assessments, to develop or adopt and require each high school student to take, during junior year or at such other time as may be appropriate, statewide skills-based and performance-based end-of-course assessments in biology and U.S. history that are aligned to the Standards of Learning for each such subject. The bill requires each such assessment to be graded by the Department of Education according to statewide grading rubrics. The bill requires student performance on each such assessment to account for 10 percent of the student's final grade in each such course. The foregoing provisions of the bill have a delayed effective date of July 1, 2027, and the bill provides that the first such assessments shall be administered during the spring of the 2027–2028 school year. The bill further requires the Department of Education to (i) semiannually publish on a publicly accessible portion of its website sample statewide skills-based and performance-based end-of-course assessments in biology and U.S. history during the 2022–2023 through 2026–2027 school years and (ii) annually administer a pilot program during the 2023–2024 through 2026–2027 school years whereby it administers skills-based and performance-based end-of-course assessments in biology and U.S. history to high school juniors in select school divisions to determine the validity of such assessments and make such adjustments as may be necessary before the first such assessments are administered statewide during the spring of the 2027–2028 school year.

SB430 (Dunnavant) Department of Education; assessing individual student growth. Requires the Department of Education to create or request proposals for a system for value-added modeling to assess growth of students in public schools. The bill requires each school board in the Commonwealth to, upon the creation of such system, implement the system and make reports made by the system available to parents or guardians for their child's report and the Department. *Continued until 2023.

AMERICAN OVERSIGHT
VA-22-0316-A-000763

SB760 (Suetterlein) Department of Education; task bank for performance-based assessments. Requires the Department of Education to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and aligns with (i) the Department's Virginia Quality Criteria Review Tool for Performance Assessments, (ii) the content in the standards of quality, and (iii) the skills in the Profile of a Graduate. The bill provides that school divisions may select tasks from the task bank.

ATHLETICS, INTERSCHOLASTIC PROGRAMS, AND YOUTH SPORTS

HB522 (March) Students who receive home instruction; participation in interscholastic programs. Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is a person of school age for whom public school is free; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2027.

HB844 (Lopez) and SB285 (Ebbin) High school interscholastic athletic competition; prevention of hate speech and ethnically or racially insensitive expressions. Requires the organization governing high school athletics and academic activities for public and approved nonboarding nonpublic high schools (the organization), with such funds as may be appropriated by the General Assembly for such purpose pursuant to the general appropriation act, to develop (i) rules and standards for the prevention of inequities involving the use of hate speech or ethnically or racially insensitive expressions during athletic and academic competitions sponsored by the organization's member schools, (ii) procedures for the enforcement of and penalties for the violation of such rules and standards, and (iii) training materials on such rules and standards. The bill requires each member school of the organization to abide by and implement such rules, standards, procedures, and penalties and ensure that each student who will participate in high school interscholastic athletic or academic competition, the parent of each such student, and each individual, whether paid or unpaid, who coaches a team that will participate in high school interscholastic athletic or academic competition receives and reviews such training materials. The bill requires the organization to make part of the process to become a registered official in good standing for any association offering services to the organization an education and training requirement that is consistent with the training materials developed by the organization. The bill has a delayed effective date of January 1, 2023.

HB1043 (Tran) Department of Education; recommendations on background check and training requirements for youth sports coaches and staff. Directs the Department of Education to make recommendations regarding appropriate background check and training requirements for coaches, staff members, and other volunteers of competitive sports leagues in which persons under the age of 18 participate. The bill requires the Department of Education to consult with child sexual assault victims advocates and youth competitive sports leagues in making its recommendations and to submit to the Governor and General Assembly a report of its recommendations by November 1, 2022. * **The companion bill, SB483 (McClellan), failed to report from Senate Judiciary.**

AMERICAN OVERSIGHT
VA-22-0316-A-000764

HB1298 (Price) Certain student-athletes; compensation for name, image, or likeness. The bill prohibits any (i) high school student-athlete who participates in interscholastic athletic competition from entering into any contract to receive compensation in exchange for the use of such student's name, image, or likeness and (ii) student-athlete enrolled at an institution of higher education in the Commonwealth who participates in intercollegiate athletic competition from entering into any contract to receive compensation in exchange for the use of such student's name, image, or likeness, the duration of which extends beyond the student's enrollment at such institution.

SB161 (Hashmi) Department of Education; heat-related illness; guidelines. Directs the Department of Education, in conjunction with stakeholders, to develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk of heat-related illness, how to recognize the signs of heat-related illness, and how to prevent heat-related illness to be distributed to local school divisions by August 1, 2022.

SB766 (Kiggans) Schools; athletics; participation in female sports; civil cause of action. Requires each elementary or secondary school or a private school that competes in sponsored athletic events against such public schools to designate athletic teams, whether a school athletic team or an intramural team sponsored by such school, based on biological sex as follows: (i) "males," "men," or "boys"; (ii) "females," "women," or "girls"; or (iii) "coed" or "mixed." Under the bill, male students are not permitted to participate on any school athletic team or squad designated for "females," "women," or "girls"; however, this provision does not apply to physical education classes at schools. The bill provides civil penalties for students and schools that suffer harm as a result of a violation of the bill. Such civil actions are required to be initiated within two years after the harm occurred.

BOARD OF EDUCATION

HB879 (Rasoul) Board of Education; membership; qualifications. Requires the nine-member Board of Education, all of whom are appointed by the Governor, to include at least one member with experience or expertise in local government leadership or policymaking, at least one member with experience or expertise in career and technical education, and at least one member with experience or expertise in early childhood education.

HB938 (Robinson) Board of Education; evaluation of and recommendations for certain current and proposed policies and performance standards for public elementary and secondary schools. Requires the Board of Education to collaborate with the Superintendent of Public Instruction and the Secretary of Education to evaluate, to implement where possible, and to otherwise make recommendations to the General Assembly regarding the following goals: (i) promoting excellence in instruction and student achievement in mathematics, including elimination of the Virginia Mathematics Pathways Initiative and an evaluation of any other proposed changes to the Mathematics Standards of Learning, in advance of the next revision of such standards by the Board, to maintain and increase the rigor of mathematics instruction in public elementary and secondary schools and permit students demonstrating aptitude and high achievement in mathematics to accelerate their progress through core mathematics classes and concepts and take advanced mathematics courses before the eleventh grade; (ii) increasing the number of academic year Governor's Schools in the Commonwealth and maintaining standards of excellence for students in all such schools; (iii) preserving the Advanced Studies Diploma as an option for students in public high schools in the Commonwealth while maintaining or increasing course and credit requirements for such diploma; (iv) increasing the transparency and honesty of performance measures for public elementary and secondary schools in the Commonwealth and ensuring that such measures do not obscure or conceal disparities in performance among student groups; (v) ensuring that performance measures for public elementary and secondary schools prioritize the attainment of grade-level proficiency in reading and mathematics for all students, especially in grades kindergarten through five; (vi) ensuring that the Commonwealth's proficiency standards on Standards of Learning assessments in reading and mathematics are rigorous in comparison with assessments administered by other states and national assessments in reading and mathematics; and (vii) restoring a strong accreditation system that promotes meaningful accountability year-over-year. The bill requires the Secretary of Education and

AMERICAN OVERSIGHT
VA-22-0316-A-000765

the Superintendent of Public Instruction, no later than November 30, 2022, to report to the chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such evaluation and recommendations to achieve such goals. ***This is a Governor's bill. The companion bill, SB558 (Suetterlein), failed to report from Senate Education and Health.**

HB1188 (Davis) Board of Education; appointment of nonvoting student advisor. Requires the Governor to appoint to the Board of Education a high school student who will enter his senior year during the following school year as a nonvoting student advisor to serve for a term of one year. The bill provides that no such student is eligible to be reappointed.

CHARTER AND COLLEGE PARTNERSHIP LABORATORY SCHOOLS

HB344 (Davis), SB608 (Suetterlein), and SB635 (Chase) Public charter schools; applications; review and approval. Permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions. ***These are Governor's bills.**

HB346 (Davis) and SB598 (Pillion) College partnership laboratory schools; application and establishment. Permits any public institution of higher education, private institution of higher education, or private business to apply to the Board of Education (the Board) to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school and no explicit provision is made for the conversion of an existing school. The bill requires the Board, in reviewing such applications, to give substantial preference to any application from a historically black college or university and any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board. ***These are Governor's bills.**

HB356 (Tata) and SB125 (Obenshain) Public schools; regional charter school divisions. Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school. ***These were Governor's bills.**

EARLY CHILDHOOD CARE AND EDUCATION

HB41 (Scott) Early childhood care and education; publicly funded providers; assessment of children. Provides that, except as otherwise required by federal law, no child who is enrolled at a publicly funded provider shall be required to participate in the Virginia Kindergarten Readiness Program or any

AMERICAN OVERSIGHT
VA-22-0316-A-000766

other program for the assessment of the child's cognitive ability, development, learning, or readiness for kindergarten.

HB389 (Bulova) Early childhood care and education; regional entities; Child Care Subsidy Program Overpayment Fund established. Requires the Board of Education to establish a system of regional entities that will be responsible for coordinating early childhood care and education services, guiding quality improvement of such services and coordinated access to such services for families, and implementing the uniform measurement and improvement system. The bill establishes the Child Care Subsidy Program Overpayment Fund, consisting of all overpayment moneys collected or recovered by the Department of Education or any state or local agency contracted to administer the Child Care Subsidy Program, net of any refunds due to the federal government, to be used solely for the purpose of covering the cost of providing training and supports to early childhood care and education entities. ***This is an agency bill.**

HB994 (Brewer) and SB529 (Reeves) Board of Education; Child Care Subsidy Program; Armed Forces. Directs the Board of Education (the Board) to amend its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill. ***These are Governor's bills.**

HB1328 (Delaney) and SB737 (Boysko) Early childhood care and education entities; administration of epinephrine. Requires the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity, to be administered by any nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any child believed to be having an anaphylactic reaction. The bill mandates that such policies shall require that at least one school nurse, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular facility hours any such epinephrine that is stored in a locked or otherwise generally inaccessible container or area. This bill shall be known as Elijah's Law.

SB193 (Mason) Child day programs; licensure; accredited private schools. Adds to the list of child day programs not required to be licensed by the Superintendent of Public Instruction to operate in the Commonwealth programs offered by accredited private schools that are in good standing with the Virginia Council for Private Education and operate for no more than four hours per day. The bill provides that, to be exempt from licensure, such accredited private school programs must be staffed by the accredited private school's employees and attended by children who are at least five years of age and are enrolled in the school. The bill requires such programs to be subject to safety and supervisory standards established by the Virginia Council for Private Education.

SB574 (Mason) Child care; background checks. Allows applicants for employment and applicants to serve as volunteers to work in certain child day centers, family day homes, and family day systems pending the results of a full background check, provided that (i) the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation and (ii) the applicant is supervised at all times by a person who received a qualifying result on a full background check within the past five years.

FACILITIES AND TRANSPORTATION

FACILITIES

HB63 (Edmunds) Additional local sales and use tax to support schools. Adds Prince Edward County to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.

AMERICAN OVERSIGHT
VA-22-0316-A-000767

HB253 (Simonds) Literary Fund; loans; application process; maximum loan amounts; rates of interest; closing costs; waiting lists. Makes several changes to the provisions relating to loans from the Literary Fund to finance the construction and renovation of public elementary and secondary school buildings in the Commonwealth. The bill requires the Board of Education (the Board) to establish an annual open application process for Literary Fund loans to occur during the period that the Board deems most suitable. The bill increases from $7.5 million to $25 million the maximum Literary Fund loan amount and permits the Board to increase such maximum to up to $35 million for loans for any school construction or renovation project that facilitates the consolidation of schools. The bill requires the Board to fix the interest rate on all loans made from the Literary Fund at not less than one percent per year, not more than three percent per year, and at increments of one half of one percent per year between such minimum and maximum rates, payable annually, and to utilize a sliding scale based on the local school division's composite index of local ability to pay to determine the interest rate on each such loan. Under current law, such rates are required to be set between two and six percent per year. The bill requires the Board to establish a competitive program for the award of up to $25,000 to a school division that receives a Literary Fund loan for the purpose of subsidizing all or a portion of the closing costs for such loan. The bill also permits the Board to remove any project that has been inactive for at least five years from any Literary Fund loan project waiting list that it maintains. This bill is a recommendation of the Commission on School Construction and Modernization.

HB391 (Frietas) Certain school board property; establishment of gun-free zone permitted. Removes the authority of any school board to deem any non-school zone building or property that it owns or leases where employees of such school board are regularly present for the purpose of performing their official duties as a gun-free zone. Under current law, any school board may prohibit any individual, subject to exceptions, from knowingly possessing, purchasing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property.

HB559 (O'Quinn) Local school boards; composite index of local ability-to-pay; required local effort; adjustment in certain circumstances. Provides that in any case in which a local school board enters into a comprehensive agreement with a private entity pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 whereby the private entity finances the construction of a new public school building in the local school division through the issuance of bonds; leases the building to the local school board in an arrangement such as a certificate of participation, a double net lease, or a triple net lease; and expects the local school board to make lease payments in an annual amount that approximates or is equal to the annual debt service on such bonds, the Department of Education shall not consider 50 percent of such lease payments as capital outlay and debt service and therefore shall not subtract such payments in the biennial calculation of net local expenditures for operations or required local effort for the purpose of determining such local school division's composite index of local ability-to-pay, if so requested by the local school board.

HB563 (O'Quinn) School Construction Matching Grant Fund and Program; established; funding sources. Establishes the School Construction Matching Grant Fund and Program for the purpose of awarding matching grants on a competitive basis to local school boards that demonstrate poor school building conditions, commitment, and need, based on certain enumerated factors, in order for such local school boards to fund the construction of new public school buildings in the local school division. The bill permits the Board of Education to transfer sums from the Literary Fund to the School Construction Matching Grant Fund and for the Department of Education to use such sums to provide matching grants pursuant to the Program.

HB608 (Bourne) and SB276 (Stanley) School boards; unexpended local funds; capital projects. Permits any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year. The bill is a recommendation of the Commission on School Construction and Modernization. ***HB608 (Bourne) was left in House Education. SB276 (Stanley) was incorporated in SB481 (McClellan).**

AMERICAN OVERSIGHT
VA-22-0316-A-000768

HB1100 (LaRock) and SB603 (Stanley) Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. Requires the Board of Education (the Board) to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022. This bill is a recommendation of the Commission on School Construction and Modernization.

SB37 (Norment) Sales tax; additional local tax for schools. Adds Isle of Wight County to the list of localities that, under current law, are authorized to impose an extra one percent local sales tax. Revenue from the tax may be used only for constructing or renovating schools.

SB117 (Newman) K-12 funding. Provides that for any year in which there is a surplus, the Governor shall include in his proposed budget an appropriation of five percent of such surplus for the operational costs of local school divisions. The bill provides for an equivalent decrease in the amount of operational costs funded by the Lottery Proceeds Fund and an equivalent increase in the amount of funds in the Fund restricted exclusively for local school divisions' capital construction and renovation costs. If the restricted amount is equal to or greater than the amount in the Fund, the increases and decreases are no longer required under the bill. ***SB117 was incorporated in SB473 (McClellan).**

SB238 (McPike) Department of Education; school division maintenance reserve tool. Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill requires the Department of Education to consider converting or using as a template the Department of General Services' M-R FIX tool to meet the above requirement to maintain such a tool. This bill is a recommendation of the Commission on School Construction and Modernization. ***The companion bill, HB252 (Simonds), was left in House Education.**

SB298 (Deeds) Additional local sales and use tax to support schools. Adds the City of Charlottesville to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools. ***The companion bill, HB545 (Hudson), was left in House Finance.**

SB472 (McClellan) Additional local sales and use tax to support schools. Authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools. Under the bill, the tax can only be imposed if it is initiated by a resolution of the local governing body and approved by the voters in a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed, and revenue from the tax is required to be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax. Under current law, only Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, and the City of Danville are authorized to impose such a tax. ***The companion bills, HB531 (Hudson) and HB1099 (LaRock), were left in House Finance.**

AMERICAN OVERSIGHT
VA-22-0316-A-000769

SB473 (McClellan) Department of Education; School Construction Fund and Program; Gaming Proceeds Fund revenues. Establishes the School Construction Fund as a special nonreverting fund in the state treasury and requires the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities. The bill provides that three percent of any fiscal year's budget surplus shall be appropriated to the School Construction Fund and Program. The bill also provides that any remaining revenues not appropriated by the Gaming Proceeds Fund shall be appropriated to the School Construction Fund and Program. Under current law, any remaining revenues in the Gaming Proceeds Fund not appropriated remain in the Fund until appropriated by the General Assembly for programs established to address public school construction, renovations, or upgrades. ***The companion bill, HB254 (Simonds), was left in House Appropriations.**

SB481 (McClellan) School boards and local governing bodies; unexpended local funds; school maintenance, renovation, and construction. Encourages each school board to enter into a collaborative agreement with the local governing body to set aside in a separate fund any sums appropriated to the school board by the local governing body that are unexpended by the school board in any year in order to use such sums to finance school maintenance, renovation, or construction in the local school division. The bill declares any school board that fails to enter into such a collaborative agreement ineligible to participate in any state grant, loan, or bond program that supports school maintenance, renovation, or construction. This bill is a recommendation of the Commission on School Construction and Modernization. ***The companion bill, HB251 (Simonds), was left in House Education.**

TRANSPORTATION

HB113 (March) Public school buses; decals; "In God We Trust" and "One Nation Under God." Permits local school boards, notwithstanding any regulation to the contrary, to display on the sides and rear of public school buses decals containing the motto "In God We Trust" or the phrase "One Nation Under God", provided that no such decal obstructs the name of the school division or the number of the school bus.

HB313 (Krizek) Public school buses; seat belts. Requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2040, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

HB452 (Bennett-Parker) Public school buses; display of advertising; hiring of school bus drivers in the local school division. Permits any local school board, notwithstanding any regulation to the contrary, to display decals, posters, and stickers on the sides and rear of school buses advertising the hiring of school bus drivers in the local school division, provided that the local school board is responsible for the cost of such decals, posters, and stickers and that no such decal, poster, or sticker obstructs the name of the school division or the number of the school bus.

LEARNING AND INSTRUCTIONAL MATERIAL

CAREER AND TECHNICAL EDUCATION

HB1064 (Brewer) Public School Trades Incentive Fund and Program; established. Establishes the Public School Trades Incentive Fund (the Fund) and the Public School Trades Incentive Program (the Program) for the purpose of providing grants on a competitive basis from the Fund to any school board that seeks to (i) restore high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials or (ii) create or restore middle school programs that encourage and recruit students to participate in high school programs that teach students skilled trades that lead

AMERICAN OVERSIGHT
VA-22-0316-A-000770

to earning industry-recognized certifications or credentials. The bill requires the Department of Education to administer the Program and to establish such rules and procedures relating to applications and awards as it deems appropriate, provided that the Department considers and gives appropriate weight to certain criteria for grantees. The bill permits any grantee to use Program funds for equipment, curriculum development, or instructor training. The bill requires each grantee to longitudinally track students who complete any program for which the school board received funds in order to determine the effectiveness of the (a) new or restored middle school programs in recruiting students to participate in restored high school programs and (b) restored high school programs in matching students with high-paying jobs in the fields in which they are certified or credentialed. ***The companion bill, SB628 (Stanley), was continued to 2023.**

HB718 (Filler-Corn) and SB661 (Lucas) Virginia Board of Workforce Development; powers and duties; collaboration to develop apprenticeship program. Directs the Virginia Board of Workforce Development to assist the Governor in collaborating with the Department of Education and the Secretaries of Labor, Education, and Commerce and Trade to develop and administer an office that shall serve as the primary office for apprenticeship programs. The Department of Education and the Secretaries of Labor, Education, and Commerce and Trade shall rely on data from the Office of Education and Labor Market Alignment in developing apprenticeship programs that are based on high-demand industry needs.

FAMILY LIFE EDUCATION

HB785 (LaRock) Family life education curriculum guidelines; human reproduction; viewing of ultrasound video recording. Requires the instruction on human reproduction contained in the Board of Education's family life education curriculum guidelines to include the viewing of a video recording of an ultrasound of a live unborn human in the uterus.

HB789 (LaRock) Family life education programs; student participation; summaries. Prohibits any public elementary or secondary school student from participating in any family life education program without the prior written consent of his parent. The bill requires the summary that is required to be posted and distributed to parents for each such program to include contact information for the individual or office responsible for maintaining printed and audio-visual program materials.

HB1023 (Guzman) Certain family life education curricula; optional instruction on human trafficking. Permits any family life education curriculum offered by a local school division before high school to incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of human trafficking of children.

HB1347 (LaRock) Family life education instruction; school year time limit. Requires each school board that offers a family life education curriculum to limit instruction delivered to students pursuant to such curriculum to one hour per school year in each grade level.

GENERAL CURRICULUM AND INSTRUCTIONAL MATERIAL

HB533 (Batten) Public elementary and secondary schools; agreements to establish opportunity classrooms. Requires each school board to enter into an agreement, upon request, with a public elementary or secondary school teacher or a group of such teachers in a local school division who represents more than 20 students to establish an opportunity classroom, which the bill defines as a classroom in which a curriculum in English, mathematics, science, history and social science, and any other subject area, as set forth in such agreement, is offered that is different than any curriculum that is otherwise offered in such subject areas in the local school division. The bill permits each school board to enter into such agreement for an opportunity classroom if the requesting teacher or group of teachers represents fewer than 20 students. The bill contains requirements for such agreements to establish opportunity classrooms and provisions relating to funding for opportunity classrooms and for services, transportation, and assessments for students who are enrolled in an opportunity classroom.

AMERICAN OVERSIGHT
VA-22-0316-A-000771

HB781 (Williams) Public elementary and secondary schools; student citizenship skills; certain instructional policies prohibited; parental rights; disclosures; penalties; other remedies. Requires the Board of Education to incorporate into each relevant Standard of Learning and associated curriculum framework a requirement that each student demonstrate the understanding of, among other concepts, the fundamental moral, political, and intellectual foundations of the American experiment in self-government, as well as the history, qualities, traditions, and features of civic engagement in the United States. The bill prohibits any public school teacher or other instructional staff member from being required to discuss any current event or widely debated and currently controversial issue of public policy or social affairs and provides that any such employee who chooses to discuss any such event or issue in the scope of his instructional duties shall, to the best of his ability, strive to explore such issues from diverse and contending perspectives, without giving deference to any one perspective. The bill prohibits the Board and Department of Education and each local school board from teaching, instructing, or training certain individuals and groups, including teachers and students, to support, believe, endorse, embrace, confess, act upon, or otherwise assent to a divisive concept, as defined in the bill, or penalizing or discriminating against any such individual or group for refusing to do so. The bill also prohibits any school board or employee thereof from teaching or incorporating into any course or class any such divisive concept or creating a position or hiring a consultant with the job title of equity director or diversity director or a substantially similar title and with a job description that includes any activity that would result in a violation of a provision of the bill. The bill further declares that the parent of each student enrolled in a public elementary or secondary school has the right to be aware of all curricula, instructional materials, lessons, and other forms of instruction provided to his child and may request that the student's teacher provide any such item for review. Finally, the bill provides that in the event that a local school board finds that a school board employee has persistently, knowingly, and intentionally violated any of the bill's provisions, the parent of any student affected by such violations may request and the local school board shall provide a voucher in an amount equal to all sums from any source that the local school board received for the education of such student and the parent shall use such voucher to provide for the education of his child in any setting set forth in relevant law.

HB786 (LaRock) Board of Education; policy on certain instructional material and related academic activities; annual parental notification; replacement or alternative material and activities; local compliance. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) annually notify the parent of any student enrolled in a class or course in which the instructional material or related academic activities includes or may include sexually explicit content, as defined in the bill, or content that depicts sexual misconduct, as defined in the bill; (ii) permit the parent of any student to review instructional material that includes sexually explicit content or content that depicts sexual misconduct, upon request; and (iii) provide, as a replacement or an alternative to instructional material and related academic activities that include sexually explicit content or content that depicts sexual misconduct, instructional material and related academic activities that do not include sexually explicit content or content that depicts sexual misconduct to any student whose parent so requests.

HB787 (LaRock) Training or instruction on certain concepts in public elementary and secondary education; declaration as unlawful and discriminatory practice. Declares it an unlawful and discriminatory practice for any local school board or employee or contractor thereof to train or instruct any individual on any divisive concept, as defined in the bill, for the purpose of promoting and encouraging such individual to adopt or believe such concept. The bill requires the Department of Education to establish model policies for the prevention of such unlawful and discriminatory practice and each local school board to adopt policies that are consistent with but may be more comprehensive than the model policies established by the Department.

HB946 (Wampler) Board of Education; local school boards; public notice and comment regarding certain materials. Requires the Board of Education (the Board), in order to provide appropriate opportunity for input from the general public, parents, teachers, and local school boards, to solicit public comment prior to revising, adopting, or approving any Standards of Learning resource guide or curriculum

AMERICAN OVERSIGHT
VA-22-0316-A-000772

framework, list of recommended textbooks in any Standards of Learning academic subject, textbook, instructional aid or material, or required or recommended reading list. The bill requires the Board to publish notice of its intended action at least 30 days prior to soliciting public comment, provide interested parties reasonable opportunity to be heard and present information prior to final action of the Board, and make such materials available for public inspection at least 30 days prior to final revision, adoption, or approval, as the case may be. Under current law, such requirements for public input apply only to the adoption or revision of Standards of Learning resource guides and lists of recommended textbooks in any Standards of Learning academic subject. The bill also requires the Board to establish minimum standards for local school boards to provide appropriate opportunity for input from the general public, parents, and teachers by soliciting public comment prior to revising, adopting, or approving any curriculum, textbook, instructional aid or material, or required or recommended reading list. The bill requires each local school board to comply with such minimum standards, which are required to include opportunities for public input that are substantially similar to those that are required to be provided by the Board.

HB1032 (LaRock) Superintendent of Public Instruction and local school boards; standards for certain public school library materials; parental review of library and other educational materials. Requires the Superintendent of Public Instruction to develop and distribute to each local school board and each such school board to enforce throughout the local school division mandatory statewide standards for evaluating, classifying, and removing from any public elementary or secondary school library any explicit material. The bill also permits the Office of the Attorney General to enforce compliance with such standards in any local school division. The bill also establishes means and processes for the review of education materials and the review and approval of library materials by parents, including requiring the parents of all students who attend a public elementary or secondary school to comprise the Parental Review and Approval Committee for such school and requiring such Committee to review and vote to approve or disapprove of each item on a list of proposed library materials distributed to it by the school.

HB1068 (Cordoza) and SB570 (Kiggans) Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited. Requires each public elementary or secondary school principal to ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, as that term is defined in the bill, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity. ***These are Governor's bills.**

HB1126 (Avoli) Public education; parental rights; access to certain facilities and accommodations; instructional content; bullying. Declares that the parent of any student enrolled in a public elementary or secondary school in the Commonwealth has the right to (i) obtain and review any educational material and curriculum utilized in any class or course in which the student is enrolled; (ii) opt his child out of any class or course activity, lesson, or reading assignment or the use of any audiovisual material or library book to which the parent objects; (iii) easily access a list of the title and author of each book in each classroom and each library in the school in which the student is enrolled; (iv) receive notice of and attend any public meeting of the school board governing the local school division in which the student is enrolled; (v) review the annual school division budget and expenditures; (vi) send his child to attend school in a safe environment; and (vii) be updated by the school principal on any violent activity in the school in which the student is enrolled. The bill requires each school board to adopt policies to require each student and school board employee to have access to restrooms, locker rooms, and other changing facilities in public school buildings that are shared only by members of the same biological sex; lodging accommodations during school-sponsored trips that are shared only by members of the same biological sex; and a single-user restroom, locker room, or other changing facility in a public school building, upon request, if the school can reasonably accommodate such a request. The bill also prohibits any school board employee or individual who provides any school-sponsored program from teaching or promoting to any student or school board employee the concept that (a) any race is inherently superior or inferior; (b) any individual is racist, privileged, oppressive, biased, or responsible for actions committed by others of the same race or skin color by virtue of the individual's race or skin

AMERICAN OVERSIGHT
VA-22-0316-A-000773

color; (c) the United States is fundamentally racist; or (d) market-based economics is inherently racist. The bill finally requires each school board to implement policies and procedures to educate school board employees about bullying and the need to create a school environment in which all individuals are treated with dignity and respect and any incident of bullying is taken seriously and handled in a robust manner.

HB1272 (Batten) and SB739 (Dunnavant) Public elementary and secondary schools and public school-based early childhood care and education programs; student instruction; masks; emergency. Requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the bill, to each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill permits, notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, to elect for such child to not wear a mask while on school property. The bill provides that no parent making such an election shall be required to provide a reason or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. The bill requires each local school division to comply with the foregoing provisions relating to masks no later than March 1, 2022. The bill clarifies that none of the foregoing provisions shall be construed to affect the authority granted to the Governor to achieve the purposes of relevant emergency services and disaster law with regard to a communicable disease of public health threat. The bill contains an emergency clause. ***SB739 (Dunnavant) has already passed both chambers, been signed, and enacted.**

SB275 (DeSteph) Public school libraries; printed and audiovisual materials; selection, evaluation, checkout, and removal procedures. Requires each local school board to adopt policies that address the selection and evaluation of all printed and audiovisual materials purchased by, donated to, or otherwise made available to the school division that will be available to students in school libraries and requires such policies to contain clear procedures for (i) parental involvement in and a reasonable opportunity for public comment before the selection and evaluation of printed and audiovisual materials that will be available to students in school libraries; (ii) mandatory prior written parental consent before a student is permitted to check out from the school library any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law; and (iii) the removal from the school library of any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law.

SB656 (Dunnavant) Board of Education; policy on sexually explicit instructional material. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request, and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests. ***These are Governor's bills. The companion bills, HB1007 (Scott) and HB1009 (Durant), were left in House Education and Senate Education and Health, respectively.**

GOVERNOR'S SCHOOLS

HB127 (Davis) Academic year Governor's Schools; certain practices prohibited and permitted. Prohibits any academic year Governor's School or governing board member, director, administrator, or employee thereof from (i) discriminating against or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin; (ii) engaging in proxy discrimination, as

AMERICAN OVERSIGHT
VA-22-0316-A-000774

defined in the bill, in student admissions; or (iii) seeking information on students' race, sex, color, ethnicity, or national origin during the application process for admission to such school unless expressly required by federal law, and to the extent it is required by federal law, the bill requires such information to be withheld to the maximum extent practicable from any individual involved in admissions decisions to the end that admissions decisions are blind as to the applicants' race, sex, color, ethnicity, and national origin. The bill permits any academic year Governor's School or governing board member, director, administrator, or employee thereof to use traditional academic success factors, as defined in the bill, in student admissions and provides that such use presumptively does not constitute proxy discrimination. The bill also contains provisions relating to evidentiary burdens of proof in certain causes of action involving such proxy discrimination or traditional academic success factors. ***This is a Governor's bill.**

HB486 (Subramanyam) Thomas Jefferson High School for Science and Technology; admissions requirements. Requires the Thomas Jefferson High School for Science and Technology academic year Governor's School in Fairfax County to annually admit for first-time enrollment as freshmen at least 100 students who reside in the Loudoun County school division.

LITERACY

HB319 (Coyner) and SB616 (Lucas) Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research. Makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking initial licensure with an endorsement in a certain area, including as a reading specialist, to demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the bill; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each school board to establish a divisionwide literacy plan; and (iv) each local school board to provide a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024-2025 school year. ***These are Governor's bills.**

HB418 (Delaney) Public elementary and secondary education; at-risk add-on funds; Reading Recovery. Removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.

OTHER

HB340 (Davis) Board of Education; high school graduation; alternative pathways to the advanced studies diploma; associated diploma seals. Directs the Board of Education to establish pathways to the advanced studies high school diploma, and associated diploma seals for students who successfully follow and demonstrate excellence on such pathways, that require advanced coursework in career and technical education in lieu of world language courses or any other required course that the Board deems appropriate. The bill requires such pathways and diploma seals to become effective for the

AMERICAN OVERSIGHT
VA-22-0316-A-000775

2023-2024 school year and to be available to any student, regardless of the school year during which the student enters ninth grade.

HB1108 (Rasoul) Public schools; instruction concerning gambling. Requires instruction concerning gambling and the addictive potential thereof to be provided by the public schools as prescribed by the Board of Education.

HB1246 (Tran) Public elementary and secondary schools; students; digital tools; accessibility. Requires the Department of Education to convene a work group to provide input and recommendations to the Department of Education, the Board of Education, and the General Assembly no later than November 1, 2022, regarding (i) ways in which school divisions can effectively identify and receive responsive and responsible bids from vendors to procure digital tools, including online platforms, courses, digital applications, information and communication technology services, and digital content, that comply with the federal accessibility standard and (ii) any statutory or regulatory changes that may assist school divisions to procure such digital tools that comply with such standard.

HB1215 (Ransone) Physical education; public safety training. Requires any physical education class offered to students in grades seven and eight to include at least one hour of public safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training, social media education, and self-defense tactics training.

HB1299 (Coyner) and SB738 (Morrissey) Department of Education; State Council of Higher Education for Virginia; instruction concerning post-graduate opportunities for high school students. Requires the Department of Education to collect and distribute to public schools and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The bill directs the Department to annually collect and compile such information in consultation with the State Council of Higher Education for Virginia and any other entity that can assist the Department with collecting and compiling such information and to update its distribution materials accordingly each year. The bill requires the Department to post and distribute the information to school boards, with any relevant updates, no later than October 1 each year and requires each school board to ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program as described in the bill.

SB78 (Norment) Board of Education; driver education programs; parent/student driver education. Requires the Board of Education to include the requirement for an additional minimum 90-minute parent/student driver education component in its driver education program for all public school divisions. Under current law, the parent/student driver education component is required for Planning District 8 (Northern Virginia) and optional in all other school divisions.

SB384 (Dunnavant) Department of Education; Statewide Learning Management System established. Directs the Department of Education to establish the Statewide Learning Management System (VaLMS). The VaLMS shall be available to each public school in the Commonwealth. The bill allows school boards to utilize the VaLMS as an alternative to a multidivision online provider in the provision of virtual school programs.

STEM+C

HB217 (Simonds) Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board; STEM and Computing (STEM+C); review federal occupational categories; report. Requires the Virginia STEM Education Advisory Board (the Board) to (i) review the occupational categories in the U.S. Bureau of Labor Statistics' standard occupational classification system to

AMERICAN OVERSIGHT
VA-22-0316-A-000776

determine the occupational categories that are not properly captured in the Commonwealth's existing STEM+C workforce profile and the gaps in the Commonwealth's tracking of careers in these occupational categories for the purpose of better aligning K%9616 education priorities and the Board's tracking and coordination of STEM+C and (ii) share its findings with the Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment (the Office) to include in the Office's efforts to specifically align STEM+C workforce and education. The bill requires the Board, in conducting such review, to focus on occupational categories such as advanced manufacturing, agriculture, financial systems, health care, military, and K%9616 education careers that are not currently tracked or categorized by the U.S. Bureau of Labor Statistics as STEM+C career fields. The bill also requires the Board to submit its findings and any recommendations to the General Assembly no later than October 1, 2022.

HB221 (Davis) and SB239 (Hashmi) STEM+C; Virginia STEM Education Advisory Board. Adds science, technology, engineering, mathematics and computing (STEM+C), which includes real-world, interdisciplinary, and computational instruction and preparation of students in STEM+C, to the list of topics that shall be included in the Standards of Learning for the Commonwealth. The bill also directs the Virginia STEM Education Advisory Board to develop and submit to the Board of Education (i) a rubric that shall be used by the Board of Education in setting out what factors permit a school to be defined as a STEM school and (ii) recommendations for the Board to create a measurement for quality of STEM programming in general education instruction. The bill also directs the Virginia STEM Education Advisory Board to draft and report to the Department of Education proposed common language and terminology that better defines the basic literacies employed in STEM+C as methodological approaches to solving universal human challenges and, as essential, generalizable and transferable literacy toward the application of skills and content needed to solve those challenges. The bill also directs the Department of Education, based on such proposed language and terminology and no later than December 1, 2022, to recommend finalized language and terminology to the Board of Education.

HB362 (Subramanyam) Department of Education; local school boards; instruction on climate change. Requires the Department of Education, in collaboration with environmental groups and other relevant state agencies such as the Department of Environmental Quality and the Department of Health and to assist local school boards in the implementation of programs of instruction that comply with the requirements relating to the Standards of Learning, specifically relating to citizenship and environmental issues and geography necessary for responsible participation in American society and the international community, to develop, no later than July 1, 2023, an interdisciplinary program of instruction on the causes of and potential solutions for climate change. The bill requires each local school board to incorporate, during the 2024-2025 school year, such program of instruction into curricula and instruction in the local school division in each core academic subject area at the grade levels that it deems most appropriate. The bill requires the Department of Education to implement and oversee a one-year pilot program to provide training and technical assistance to a diverse cross section of local school boards to implement such program of instruction in the local school division during the intervening 2023-2024 school year between the development and full local implementation of such program of instruction.

HB636 (Carr) Virginia student environmental literacy; plan; grant fund and program. Requires the Board of Education, in consultation with the Department of Environmental Quality, the Department of Health, any other stakeholder that it deems appropriate, and the public, and in order to assist each local school board in developing and implementing a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning and emphasizes environmental literacy as an essential skill and concept of citizenship that is necessary for responsible participation in American society and in the international community, to establish and update at least once every five years a Virginia student environmental literacy plan (the plan) that (i) prepares students to understand, analyze, and address the major environmental challenges facing the Commonwealth and the United States; (ii) provides field experiences as part of regular school curricula and creates programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition; and (iii) creates opportunities for the enhanced and ongoing professional development of teachers that improves teachers' environmental

AMERICAN OVERSIGHT
VA-22-0316-A-000777

subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom. The bill requires the plan to include a description of (a) how the Board will measure the environmental literacy of students, including relevant Standards of Learning and related curricula and courses or subjects where environmental education instruction will be integrated throughout grades kindergarten through 12 curricula, and the relationship of the plan to the high school graduation requirements established by the Board; (b) programs for the professional development of teachers to improve teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom; and (c) how the Board will implement the plan, including securing funding and other necessary support. The bill establishes the Virginia Student Environmental Literacy Plan Grant Fund and Program, to be administered by the Department of Education, for the purpose of awarding grants on a competitive basis to any local school board that seeks assistance to initiate, expand, or improve teacher professional development opportunities or student environmental education programs that align with the content and objectives of the plan.

HB1026 (Guzman) Superintendent of Public Instruction; establishment of the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council. Requires the Superintendent of Public Instruction to establish and appoint no more than 12 members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (the Council), including at least one of each of the following: teacher, librarian, representative of a parent-teacher organization who is the parent of a school-age child, school administrator, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill requires the Council to (i) develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media literacy of all students in the local school division; (ii) develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students in public elementary and secondary schools; (iii) design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe, ethical, and responsible use of media and technology by students and teachers; and (iv) submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2023. The bill has an expiration date of July 1, 2024.

SB261 (Hashmi) Virginia STEM Education Advisory Board; comprehensive review of labor statistics categories; report. Directs the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board (the Board) to perform a comprehensive review of U.S. Bureau of Labor Statistics categories within the standard occupational classification system and assess deficit areas that do not capture Virginia's existing STEM+C (Computing) workforce profile for the purpose of better aligning K-12 and higher education priorities. The Board shall report its findings to the Virginia Economic Development Partnership Authority Office of Education and Labor Market Alignment and the Chairmen of the House Committee on Communications, Technology and Innovation and the Senate Committee on General Laws and Technology no later than October 1, 2022.

LOCAL SCHOOL BOARDS AND DIVISIONS

HB18 (Fowler) Appointed school board members; salaries. Permits any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in relevant law or as provided by charter, with certain exceptions and conditions. Current law sets a specific maximum dollar amount for the salary of members of each such appointed school board.

HB466 (Subramanyam) Register of volunteer cybersecurity and information technology professionals. Directs the Secretary of Administration to establish a register of cybersecurity and information

AMERICAN OVERSIGHT
VA-22-0316-A-000778

technology professionals interested in volunteering to assist localities and school divisions, in collaborating on workforce development, and in providing mentorship opportunities.

HB650 (Kory) School boards; school consolidation and redistricting and pupil assignment; access to advanced academic programs. Requires a school board to demonstrate in advance that the consolidation of schools, redistricting of school boundaries, or adoption of a pupil assignment plan will maintain or increase equitable student access to advanced academic programs.

HB688 (Kory) School boards; production of public records; fee schedules. Requires each school board to develop and post or otherwise make publicly available a fee schedule governing charges for the release of public records to be used by each school within its school division when responding to requests for public records pursuant to the Virginia Freedom of Information Act. The bill requires such fee schedule to be based on the most recent estimate of the aggregate costs incurred by each school within a school board's division in accessing, duplicating, supplying, or searching for requested public records. Finally, the bill provides that a school board shall review and update the fee schedule at least annually.

HB977 (McGuire III) Public elementary and secondary education; school boards and employees; promotion of diversity and respect. Requires each local school board and employee thereof to promote (i) diversity and respect, with the understanding that all individuals are created equal and diversity is a strength of the United States, and (ii) the concept that all cultures have contributed greatly to the rich history of the United States and the way of life that Americans enjoy today. The bill prohibits any local school board or employee thereof from training, teaching, or promoting to enrolled students or school board employees the concept that (a) any race is inherently superior or inferior to any other race; (b) any individual, by virtue of his race or skin color, is inherently racist, privileged, or oppressive, whether consciously or unconsciously; (c) any individual, by virtue of his race or religion, bears responsibility for the actions committed by other members of his race or religion; (d) any individual's moral character is determined by his race; (e) the United States is a fundamentally or systemically racist country; or (f) capitalism is an inherently racist economic system.

HB1138 (Reid) Loudoun County School Board; staggering of member terms; lot drawing; timeframe. Requires the lot drawing required to be conducted by the Loudoun County Electoral Board to determine the members of four of nine districts who will be elected to the Loudoun County School Board for four-year terms and the members of the remaining five districts who will be elected to the Loudoun County School Board for two-year terms to ensure the staggering of member terms for such school board to be conducted at the electoral board's first meeting of 2023 but no later than January 31, 2023.

HB1284 (Taylor) School boards; method of selection; election required. Requires election as the method of selecting the members of each school board in the Commonwealth. Current law requires such members to be appointed but permits their election under certain circumstances.

SB724 (Pillion) School boards; broadband; annual report. Requires each school board to submit an annual report to the Virginia Department of Education and the Virginia Department of Housing and Community Development that lists each student's 9-1-1 address that does not have broadband service, as defined by the Federal Communications Commission, to the home beginning in the fall of 2022 through the 2025 school year.

MISCELLANEOUS

HB246 (Kilgore) and SB596 (Pillion) School attendance; 4-H educational programs and activities. Provides that students who miss a partial or full day of school while participating in 4-H educational programs and activities shall not be counted as absent for the purposes of calculating average daily membership and shall receive course credit in the same manner as they would for a school field trip. The bill directs each local school board to develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs and activities to not be counted absent.

AMERICAN OVERSIGHT
VA-22-0316-A-000779

HB1022 (Guzman) Certain public elementary and secondary school students; excused absences; attendance at pow wow. Provides that, subject to guidelines established by the Department of Education, any student who is a member of a state-recognized or federally recognized tribal nation that is headquartered in the Commonwealth and who is absent from school to attend such tribal nation's pow wow gathering shall be granted an excused absence.

HB1164 (Runion) Composite index of local ability-to-pay; use value of real estate in certain localities. Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.

HB1352 (Bell) Private elementary and secondary schools; retaliation for good faith reports of child abuse or neglect prohibited. Prohibits any private elementary or secondary school from retaliating in any manner against any individual who in good faith reports child abuse or neglect as mandated by relevant law.

SB421 (Edwards) Libraries and education services; obsolete provisions. Revises and repeals obsolete provisions in Title 22.1 (Education) related to early childhood education and elementary and secondary education and Title 42.1 (Libraries) related to libraries and the Virginia Public Records Act. The bill also makes technical amendments. This bill is a recommendation of the Virginia Code Commission.

SB662 (Lucas) Department of Education; School Quality Profiles; teacher data. Requires the Department of Education to include on each School Quality Profile data on teachers' race and proficiency in any language other than English.

SCHOOL HEALTH AND NUTRITION

SCHOOL HEALTH

HB215 (Robinson) and SB62 (Favola) School Health Services Committee; report. Establishes the School Health Services Committee to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The bill requires the Committee to submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year. The bill has an expiration date of July 1, 2025.

HB915 (Orrock) Required immunizations; regulations. Provides that a parent, guardian, or person standing in loco parentis of each child in the Commonwealth shall cause such child to be vaccinated in accordance with the Regulations for the Immunization of School Children of the State Board of Health (the Board) and that regulations of the Board setting forth such requirements shall be subject to the Administrative Process Act. Currently, a parent, guardian, or person standing in loco parentis of a child shall cause such child to be vaccinated in accordance with the Immunizations Schedule developed and published by the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices, American Academy of Pediatrics, and American Academy of Family Physicians, and any regulations of the Board setting forth requirements related to vaccines are exempt from the Administrative Process Act.The bill also provides that no regulation of the Board of Health setting forth requirements related to vaccines shall become effective until after the next regular session of the General Assembly following the date on which the final adopted regulation is published in the Virginia Register of Regulations."

AMERICAN OVERSIGHT
VA-22-0316-A-000780

HB1036 (LaRock) Local school boards; requirement for students to wear masks or other face coverings; evidentiary substantiation. Prohibits any local school board from requiring any student enrolled at a public elementary or secondary school in the local school division to wear a mask, face covering, or other covering of the student's nose and mouth at school, on a school bus, or at a school-sponsored activity unless the local school board substantiates such requirement with evidence that (i) such requirement is necessary to suppress a nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health; (ii) no reasonable alternatives to such requirement exist in light of the impact on quality of life and economic well-being; and (iii) such requirement is narrowly tailored to address the nuisance dangerous to the public health or the communicable, contagious, or infectious disease or other danger to the public life and health.

SB431 (Dunnavant) Board of Education; COVID-19; test-to-stay guidelines. Requires the Board of Education, in collaboration with the Department of Health, to (i) recommend as best practice the shortest duration of quarantine possible, as recommended by the Centers for Disease Control and Prevention, for students and employees at public schools who contract COVID-19 and (ii) develop test-to-stay guidelines for such schools and recommend such guidelines to schools for use as an alternative to quarantine for students and employees who contract COVID-19. The bill also provides that all guidelines established pursuant to the bill shall be immediately distributed to local school boards and shall reflect the most updated recommendations from the Centers for Disease Control and Prevention to limit the amount of time out of the classroom to be as short as possible, including no quarantine, as recommended for asymptomatic individuals who have been fully vaccinated either within six months or have a boosted vaccination status. The bill contains an emergency clause.

SB704 (Kiggans) Superintendent of Public Instruction; school health services information; survey. Requires the Superintendent of Public Instruction to, at least annually, survey all local school divisions and use such data to strengthen the comprehensive availability of school health services information. The bill provides that information to be collected in the survey shall include: (i) staffing levels of school health personnel, (ii) the prevalence of students with chronic health conditions, (iii) the percentage of students with health services written in their records, (iv) the number of visits to the school health office and dispositions, (v) health services provided by each school, and (vi) any other information deemed appropriate. The bill requires each local school division to complete each survey.

SCHOOL NUTRITION

HB583 (Roem) Public elementary and secondary school students; ability to pay for meals and school meal debt; extracurricular school activities. Requires each school board to adopt policies that prohibit the school board or any school board employee from denying a student the opportunity to participate in any extracurricular school activity because the student cannot pay for a meal at school or owes a school meal debt.

HB587 (Roem) School Breakfast Program and National School Lunch Program; processing of applications. Requires each public elementary or secondary school to process each web-based or paper-based application for participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within five working days after the date of receipt of the application.

SCHOOL SAFETY AND DISCIPLINE

HB4 (Wyatt) and SB36 (Norment) School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. The bill provides, as an exception to the requirement to report any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity, that a principal is not required but may report to the local

AMERICAN OVERSIGHT
VA-22-0316-A-000781

law-enforcement agency any such incident committed by a student who has an individualized education plan. ***These are Governor's bills. HB59 (McGuire III), HB308 (Ransone), SB613 (Stanley), and SB287 (DeSteph) were incorporated in the HB4 (Wyatt) and SB36 (Norment), respectively.**

HB8 (Anderson) School security officers; scope of employment; certain veterans. Provides that each school security officer, in addition to performing each enumerated duty, is responsible for carrying out any other duty assigned to him by the local school board. The bill permits any local school board or private or religious school to employ as a school security officer any veteran who has served a minimum of 10 years as an active duty member in the Armed Forces of the United States, received an honorable discharge or general discharge under honorable conditions from such service, and meets the Department of Criminal Justice Services' minimum certification and training requirements for school security officers.

HB12 (Anderson) Public school buildings; entry points; limits; screening. Requires each local school board to (i) limit to the lowest feasible number the entry points in each public school building in the local school division, (ii) ensure that each individual who seeks to enter any school building in the local school division is screened with a handheld metal detector wand by a school security officer or another appropriate school board employee who is appropriately trained in such method of screening, (iii) require each such school security officer or other appropriate school board employee to implement further screening according to a protocol that it deems appropriate in any case in which the school board employee who conducts the initial screening has reason to believe that the individual who seeks to enter the school building is in possession of a weapon, and (iv) prohibit any individual from entering any school building in the local school division if the individual fails or refuses to submit to the screening required in clauses (ii) and (iii).

HB37 (Anderson) School boards; school resource officers; employment; threat assessment. Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public middle and high school in the local school division and at least one school resource officer per five public elementary schools in the local school division, who is required to serve in each such elementary school on a rotating basis. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school.

HB89 (Walker) Disorderly conduct in public places. Removes the provision that any instance of disorderly conduct by an elementary or secondary school student which occurred on the property of any elementary or secondary school, on a school bus as defined in § 46.2-100, or at any activity conducted or sponsored by any elementary or secondary school be excluded from the disorderly conduct in public places.

HB741 (Bell) Annual public elementary and secondary school safety audits; creation or review of school building floor plans required. Requires each local school board, as part of each annual school safety audit, to create a detailed and accurate floor plan for each public school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate but provides that such floor plan may be withheld from public disclosure.

HB863 (Reid) Local law enforcement; certain reports to school principals and division superintendents; form and scope. Requires local law-enforcement authorities to report in writing, and the principal or his designee and the division superintendent to receive each such report, on (i) any suspected offense, offense for which any charge has been filed, or offense that is subject to investigation, that was committed by a student enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving certain enumerated incidents, and (ii) whether the student is released to the custody of his parent or, if 18 years of age or older, is released on bond. Current law does not require such reports to be in writing and only applies

AMERICAN OVERSIGHT
VA-22-0316-A-000782

to student offenses but does not specify whether such reports are required to be made for student offenses that are suspected, charged, or subject to investigation.

HB873 (Greenhalgh) School boards; school resource officers; employment; threat assessment. Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public elementary and secondary school in the local school division. The bill provides that no school board shall be granted any full or partial waiver from such staffing requirements and that no school board that fails to fully comply with such staffing requirements is eligible for any grant or waiver from the Commonwealth, Board of Education, or Department of Education. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school. ***This is a Governor's bill. The companion, and SB415 (DeSteph), failed to report from Senate Education and Health.**

HB985 (Anderson) School principals; incident reports; violent offenses. Requires that school principals report to law enforcement any felony offenses and violent offenses enumerated in the bill that may constitute a criminal offense. Under the bill, principals have discretion to report certain non-violent crimes to law enforcement. Under current law, principals are required to make such reports to law enforcement only for such acts that may constitute a felony offense.

HB1125 (Anderson) School boards; parental notification of certain threats, behavior, and unlawful acts; panic alarms. Requires, within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing, each division superintendent to notify the parent of each student enrolled in the relevant school of such threat, threatening or aberrant behavior, or unlawful act. The bill requires each school board to equip each public elementary and secondary school building in the local school division with at least one panic alarm that adheres to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories, and is installed by a licensed and qualified professional. The bill defines "panic alarm" as a silent security system by which the user manually activates a device that sends a non-audible signal to the local law-enforcement agency that indicates a school security emergency, including a non-fire evacuation, lockdown, or active shooter situation, that requires immediate response and assistance from such agency.

HB1129 (Taylor) and SB600 (Pillion) School safety audits; law-enforcement officers. Requires each local school board to require its schools to fully collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. Under current law, the division superintendent is required to make the results of such audits available to the chief law-enforcement officer upon request, and his approval is not needed. The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee. Current law requires that the completed walk-through checklist be made available to the chief law-enforcement officer or his designee upon request. ***These are Governor's bills.**

HB1315 (Anderson) School boards; parental notification of certain threats, behavior, and unlawful acts. Requires division superintendents to notify the parent of each student enrolled in the relevant school of a threat, threatening or aberrant behavior, or unlawful act within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing.

AMERICAN OVERSIGHT
VA-22-0316-A-000783

SPECIAL EDUCATION AND THE CHILDREN'S SERVICES ACT

HB547 (Hudson) Department of Education; statewide strategic plan; speech-language pathologists. Requires the Department to develop and maintain a statewide strategic plan for recruiting and retaining speech-language pathologists that, at a minimum, (i) analyze data to determine the specific staffing needs of local school divisions on an ongoing basis; (ii) evaluates the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for speech-language pathologists, and the expansion of speech-language pathologist mentorships; and (iii) estimates the costs of implementing each such strategy, including the extent to which federal funds could be used to support implementation. The bill requires the Department, no later than November 1 of each year, to update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also directs the Department of Education and the Board of Education, in consultation with each local school board, to (a) examine the caseloads and compensation of speech-language pathologists in each local school division, (b) compare such caseloads and compensation to those of speech-language pathologists in contiguous states, and (c) make recommendations to the Governor and the General Assembly no later than November 1, 2022, for such amendments to relevant law and the general appropriations act as may be necessary to effectuate a reduction in caseloads and increase in compensation that would facilitate stronger recruitment and retention of speech-language pathologists in public elementary and secondary schools in the Commonwealth.

HB649 (Carr) and SB265 (Hashmi) Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report. Requires the Department of Education, in coordination with the Department for the Deaf and Hard-of-Hearing, to (i) select, with input from an advisory committee that the bill establishes, language developmental milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

HB1047 (Tran) Students who need or use augmentative and alternative communication; instruction; eligibility; staff training. Provides that no student who needs or uses augmentative and alternative communication (AAC), which the bill defines as any device, tool, support, or service, or any combination thereof, that facilitates any form of communication, other than oral speech, that can be used to express thoughts, needs, wants, and ideas, shall be denied the opportunity for inclusion in regular classrooms or the provision of age-appropriate instruction on the basis that such student may require support with AAC. The bill prohibits any individualized education program team, member of such team, or school division employee from utilizing the results of any intelligence quotient test or any other test to measure intelligence or cognitive ability to determine a student with a disability's eligibility to be provided with and use AAC at school. The bill requires each school division to document on the individualized education program of a student with a disability who needs or uses AAC, beginning prior to the provision of instruction or support to the student, including any extended school year period, the student's AAC and communication access and support needs, including, as appropriate, individualized training as an assistive technology service for each school division employee or contractor who provides instruction or direct support to such student, to support the student's use of

AMERICAN OVERSIGHT
VA-22-0316-A-000784

AAC and to ensure that curricula and instruction are designed or adapted as necessary to accommodate the student's unique communication access needs.

SB356 (Stuart) Children's Services Act; special education programs. Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.

STANDARDS OF QUALITY

HB829 (Wilt) School counselors; staffing ratios; flexibility. Permits school boards to fulfill the staffing ratio requirements for school counselors by (i) employing, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, entering into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training.

HB1124 (Guzman) and SB156 (Hashmi) Public schools; English language learners. Requires state funding to be provided to support, in the 2022-2023 school year and thereafter, a new divisionwide ratio of English learner students in average daily membership to full-time equivalent teaching positions of 22 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

SB490 (McClellan) Standards of Quality; principals; assistant principals. Requires each school board to provide at one principal per school and one assistant principal per 500 students in each elementary, middle, and high school. ***SB490, as introduced, included all of the Board of Education's 2021 prescriptions to the Standards of Quality. The companion to the introduced version of SB490, HB1135 (Bourne), was left in House Appropriations.**

STUDIES

HJ19 (Greenhalgh) Study; Department of Education; purpose and goals of public education; report. Requests that the Department of Education study the purpose and goals of public education by encouraging input from the citizens of the Commonwealth, including parents, teachers, school administrators, and local school board members, to clarify (i) the broader purpose of public education in light of the fundamental goal of public education, as expressed by the General Assembly and the Board of Education, and (i) the specific measurable outcomes that education laws, regulations, policies, and practices should help to achieve in order to further such broader purpose and such fundamental goal.

AMERICAN OVERSIGHT
VA-22-0316-A-000785

HJ84 (Guzman) Study; Department of Education; root causes of public school bus driver shortages and working conditions of public school bus drivers in the Commonwealth; report. Requests that the Department of Education, with the assistance of each local school board, to study the root causes of public school bus driver shortages and the working conditions of public school bus drivers in the Commonwealth by (i) administering to each public school bus driver in each local school division in the Commonwealth and as many former public school bus drivers as is feasible a survey to determine the level of satisfaction with and the need for improvement to the working conditions of public school bus drivers in the Commonwealth, (ii) analyzing such survey data and such other information and data as it deems necessary and advisable, including information from other states and school districts contained therein that have had success in addressing public school bus driver shortages by addressing working conditions, and (iii) making recommendations for statutory, regulatory, or budgetary changes that may contribute to the improvement of the working conditions of public school bus drivers.

SJ10 (Surovell) Study; joint subcommittee to study pandemic response and preparedness in the Commonwealth; report. Establishes a joint subcommittee to study pandemic response and preparedness in the Commonwealth. In conducting its study, the joint subcommittee is tasked with examining existing laws in the Commonwealth and developing recommendations regarding the pandemic response and future needs of the Governor, the General Assembly, local governments, public and private health care systems and other facilities and providers, health districts, the judicial system, K-12 and higher education systems, and the business regulatory system.

STUDENT SERVICES

HB988 (Wyatt) and SB20 (Hackworth) Treatment of transgender students; model policies. Eliminates the requirement that each school board adopt policies that are consistent with the model policies developed by the Department of Education concerning the treatment of transgender students in public elementary and secondary schools. The bill also removes the requirement for such model policies to include information, guidance, procedures, and standards relating to the use of school facilities, requires the Department to amend its model policies to remove any such information, guidance, procedures, or standards, and requires the Department to make such amended model policies available to each school board no later than the beginning of the 2022-2023 school year. *SB20 does not include the provision to amend the model guidance related to facilities.

HB1034 (Ransone) Department of Education; school boards; guidelines for the provision of counseling services in public schools. Requires the Department of Education to develop and each local school board to adhere to guidelines for the provision of counseling services in public schools, which shall include (i) provisions for parental consent; written parental notification; parental involvement, as appropriate; and confidentiality; (ii) procedures by which a parent may limit or prohibit his child's participation; (iii) appropriate exceptions to the procedures by which a parent may limit or prohibit his child's participation such as imminent need, health, or safety or maintaining order in the school; and (iv) any other provision deemed necessary by the Department.

HB1124 (Anderson) Board of Education; school boards; codes of student conduct; contents. Requires the Board of Education's guidelines and model policies for codes of student conduct to include a requirement that any code of student conduct is enforced and any student behavioral intervention or disciplinary method or measure is utilized in a fair, proportional, unbiased, and neutral manner, for the sole purpose of maintaining safe learning environments, and with full and sole consideration of the student's behavior and with no consideration of any individual immutable characteristic of the student such as the student's sex or race. The bill requires each school board to establish and continuously maintain a system of fair, proportional, unbiased, and neutral student behavioral intervention and discipline and prohibits any school board from establishing or maintaining any system of student behavioral intervention or discipline, including positive behavioral interventions and supports or any substantially similar disciplinary method, that targets or differentiates student behavioral interventions or disciplinary methods or measures based on any factor other than the student's behavior.

AMERICAN OVERSIGHT
VA-22-0316-A-000786

TEACHER EDUCATION AND LICENSURE

HB230 (Coyner) and SB154 (Locke) Applications for teacher licensure by reciprocity; military spouses; timeline for determination. Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet.

HB236 (Orrock) Board of Education; authority to temporarily extend certain teachers' licenses. Permits the Board of Education to grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its statutory authority whose license expires on June 30, 2022, in order to provide the individual with sufficient additional time to complete the requirements for licensure renewal.

HB419 (Delaney) Institutions of higher education; education preparation programs; coursework; audit. Requires each education preparation program offered by a public institution of higher education or private institution of higher education that provides training for any student seeking initial licensure by the Department of Education to (i) include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction and require such program of coursework and the student mastery required to be demonstrated therein to be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent literacy experts and stakeholders with knowledge of science-based reading research and evidence-based literacy instruction that has reviewed the relevant regulations and (ii) for any such student seeking initial licensure by the Department of Education as a teacher with an endorsement in early childhood, elementary education, or special education or with an endorsement as a reading specialist ensure that reading course work and field practice opportunities are a significant focus of the education preparation program. The bill requires the Department of Education to audit at least once every seven years each education preparation program for compliance with such requirements.

HB979 (Tran) and SB68 (Favola) Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States. Requires the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who holds a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license.

TEACHER EMPLOYMENT AND COMPENSATION

HB9 (Ware) and SB178 (Peake) Public school teachers; probationary term of service, grounds for dismissal, and dismissal hearings. Permits each school board to extend for up to two additional years the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such

AMERICAN OVERSIGHT
VA-22-0316-A-000787

hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing.

HB271 (Byron) Local school boards and comprehensive community colleges; compensation structure for adjunct instructors; noncredit workforce credentials. Requires local school boards and comprehensive communities colleges to enter into local or regional agreements for the establishment and implementation of a competitive compensation structure to recruit and retain adjunct instructors to be jointly compensated by the relevant school boards and colleges to prepare both high school students and college students to earn noncredit workforce credentials, as that term is defined in relevant law.

HB363 (Frietas) Certain school board employees; dismissal; grounds; continuing contract study; report. Prohibits school board employees who are not required to hold a valid license issued by the Board of Education and public school teachers from being dismissed based on a last-hired, first-fired dismissal policy or any other similar policy that mandates that, when considering more than one such employee for dismissal, the seniority of each such employee shall be the sole determinative factor in the dismissal decision. The bill also requires the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health, in consultation with local school boards, to study and make recommendations to the General Assembly no later than November 1, 2022, regarding effective, alternative ways in which the performance of teachers may be evaluated for the purpose of awarding or rescinding continuing contract status.

HB371 (Convirs-Fowler) Licensed school board employees; cultural competency training; bullying of Asian American and Pacific Islander students. Requires the Board of Education's guidance on cultural competency training for licensed school board employees to include a model curriculum for cultural competency training relating to the bullying of Asian American and Pacific Islander students and requires such model curriculum to be incorporated into the biennial cultural competency training required for licensed school board employees.

HB440 (VanValkenburg) School boards; teachers; planning time and planning periods. Requires each local school board to ensure that each elementary school teacher is provided an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day, which shall be at least 45 minutes or one class period, whichever is longer. The bill permits local school boards and teachers to enter into an appropriate contractual arrangement providing for compensation in lieu of such planning time or period. Under current law, public elementary school teachers are guaranteed at least an average of 30 minutes of planning time per school day during a school week.

HB535 (Clark) Teacher compensation; at or above national average. Requires that public school teachers be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a 4.5 percent annual increase for public school teacher salaries, effective from the 2023-24 school year through the 2027-28 school year. The bill has a delayed effective date of July 1, 2023.

HB581 (VanValkenburg) Local school boards; teacher career ladder compensation programs. Requires each local school board to establish a teacher career ladder compensation program (program) whereby each rung on the ladder corresponds to a specific teacher career and compensation level as determined by the local school board. The bill requires each local school board to design and implement its own program, provided, however, that each program shall include the following principles and components: (i) each teacher shall provide increasing levels of student academic progress as measured by objective criteria before the teacher progresses to the next rung of the ladder; (ii) each teacher shall demonstrate improvement in teaching skills before the teacher progresses to the next rung of the ladder; (iii) each teacher shall assume additional teaching and other responsibilities such as curriculum development, team teaching, mentoring, and professional development activities before the teacher

AMERICAN OVERSIGHT
VA-22-0316-A-000788

progresses to the next rung of the ladder; (iv) the local school board is responsible for providing teachers in the program with appropriate professional growth and development opportunities; and (v) the local school board shall ensure that equal pay is provided to teachers in the program who are performing at the same level. The bill provides that teacher participation in a teacher career ladder compensation program is optional and any teacher may opt to be compensated pursuant to the local school board's standard salary scale.

HB1005 (Guzman) Public school teachers; continuing contract; resignation. Declares a public school teacher employed after completing the probationary period to be entitled to a continuing contract whereby the contract continues in effect for the ensuing year in conformity with local salary stipulations, including increments, provided, however, that such teacher may be dismissed for any cause set forth in relevant law and in accordance with the procedures set forth in relevant law. Current law declares any such teacher to be entitled to such a continuing contract during good behavior and competent service. The bill requires a public school teacher who seeks to resign from a continuing contract (i) for the ensuing school year to give written notice of such resignation on or before June 15 of the current school year or (ii) in effect for the current school year or for the ensuing school year after June 15 of the current school year to request release from the contract at least two weeks in advance of intended date of resignation and requires such request to be in writing and to set forth the cause of resignation. Current law requires written notice of noncontinuation of a continuing contract by either party to be given by June 15 of each year and permits a teacher to resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent if the teacher requests release from the contract in writing at least two weeks in advance of the intended date of resignation and sets forth the cause of resignation. The bill also provides that if the school board has not authorized the division superintendent to approve resignations of teachers with continuing contracts, the school board shall decide whether to accept or reject the resignation of such a teacher.

HB1093 (Batten) Public elementary and secondary education; school boards and employees; cultural competency training; evaluations. Requires the evaluation of each public school teacher and principal and division superintendent to include an evaluation of cultural competency if the relevant local school board has adopted and implemented policies to require cultural competency training. Under current law, such an evaluation of cultural competency is required and not conditioned upon any such action of the local school board. The bill permits any school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board of Education to complete cultural competency training, in accordance with guidance issued by the Board of Education, at least every two years, but only after providing 30 days' advanced written notice of and holding a public hearing regarding the adoption and implementation of such policies. Current law requires such cultural competency training and makes no provision for such notice and public hearing.

HB1110 (Maldonado) Local school boards; grievance procedure for certain employees; timing of resolution of certain disputes. Requires each local school board's grievance procedure for school board employees, except the division superintendent, principals, assistant principals, teachers, supervisors, and other employees required to be licensed by the Board of Education, to afford a timely and fair method of the resolution of disputes arising between the school board and such employees before dismissal or other disciplinary actions, excluding suspensions. Current law requires such grievance procedures to afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding, but not before, dismissal or other disciplinary actions, excluding suspensions.

SB157 (Hashmi) Competitive compensation for certain positions in public elementary and secondary schools. Declares it the goal of the Commonwealth that its public school teachers and all other individuals employed in Standards of Quality-funded positions be compensated at a rate that is competitive, defined as at or above the national average salary for the position, in order to attract and keep highly qualified individuals in such positions. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a five percent annual pay increase

AMERICAN OVERSIGHT
VA-22-0316-A-000789

for each such position, effective from the 2023-24 school year through the 2027-28 school year, provided that such five percent annual pay increase (i) is subject to a local matching requirement in accordance with each local school board's composite index of local ability-to-pay and (ii) shall be adjusted annually as necessary to account for rebenchmarking and to yield a rate of compensation percentage increase for all Standards of Quality-funded positions that is pegged to providing a competitive average teacher salary in the Commonwealth. The bill has a delayed effective date of July 1, 2023.

TAX CREDITS, VOUCHERS, AND SAVINGS PROGRAMS

HB201 (Webert) In-person instruction; education vouchers; emergency. Requires, in the event that any school board does not provide the option of in-person instruction as the sole method of instruction for any enrolled student, the parent of any such student who withdraws his child from attendance to receive, upon request, an education voucher in an amount equal to a prorated share of the applicable Standards of Quality per-pupil state funds appropriated for public school purposes and apportioned to the school division, including the per-pupil share of state sales tax funding in basic aid and any state per-pupil share of special education funding for which the child is eligible, to cover the expenses of providing in-person instruction in an alternative setting. The bill permits the Department of Education to establish rules, regulations, or procedures for the issuance of such education vouchers. The bill contains an emergency clause.

HB293 (Frietas) Education Savings Account Program; establishment. Establishes the Education Savings Account Program (the Program), to be administered by the Department of Education (the Department) with assistance from each local school board, whereby the parent of any elementary or secondary school student who (i) is a member of a household whose annual income does not exceed two times the annual household income that would qualify the student for free or reduced-price lunch and (ii) was eligible to attend a public school in the Commonwealth in the preceding semester or is starting elementary or secondary school in the Commonwealth for the first time is eligible to receive an education savings account, for as long as the student is of school age and the amount of which is determined pursuant to a calculation set forth in the bill, to cover certain enumerated educational expenses for his child. The bill requires the Department to establish rules and regulations for the Program and contains conditions, limitations, and other requirements for the Program, including provisions relating to the accountability and educational autonomy of individuals and entities receiving account funds to cover qualified expenses.

HB294 (Frietas) Education improvement scholarship tax credits; eligible students in need of a safer school environment. Declares eligible for a scholarship from a scholarship foundation that receives an education improvement scholarship tax credit, on the same basis as any other eligible student, eligible students in need of a safer school environment, defined in the bill as any student who, while enrolled in a public elementary or secondary school in kindergarten through grade 12, was the victim of assault, battery, bullying, harassment, hazing, kidnapping, or robbery on school property, on a school bus, or at a school-sponsored activity, as substantiated by an investigation and written report by the school principal. The bill provides that (i) eligible students in need of a safer school environment are permitted to use such scholarships to cover the expenses associated with attending another public school within or outside of his school division of residence and (ii) there are no family income restrictions on scholarships for eligible students in need of a safer school environment.

HB333 (Frietas) Public education; student education accounts. Permits any school board to establish a program to create savings accounts for students to be used for alternative educational programs. The bill requires the Department of Education to establish policies and procedures under which the parent of each student may use such funds on public or private educational programs.

AMERICAN OVERSIGHT
VA-22-0316-A-000790

HB784 (LaRock) Home instruction and private school tax credit. Creates an individual, nonrefundable income tax credit for taxable years 2022 through 2026, for amounts paid by the parent or legal guardian of a child for the child's home instruction expenses or tuition for attending an accredited private school in Virginia. The credit shall equal the lesser of the amount actually paid in the taxable year for such costs or half of the average state standards of quality funding per student per year. The credit may be taken for instruction-related materials, courses, or programs used in home instruction or for private school tuition. The credit is available for two years per child and can be carried forward for five taxable years.

HB788 (LaRock) Education Improvement Scholarships Tax Credits program. Increases from 65 percent to 75 percent the tax credit for the value of the monetary or marketable securities donation made by a taxpayer to an eligible scholarship foundation.

HB982 (Scott) Education Savings Account Program established; Education Improvement Scholarships Tax Credits. Establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2022–2023 school year. The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is $25 million, and removes individual minimum and maximum required donation amounts. The bill raises the threshold for students to qualify for scholarships to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, 1,200 percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a Virginia resident and eligible to enroll in a Virginia primary or secondary school. Current law restricts eligibility to certain categories of students. The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2022.

HB1024 (LaRock) Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

HB1025 (LaRock) Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for

AMERICAN OVERSIGHT
VA-22-0316-A-000791

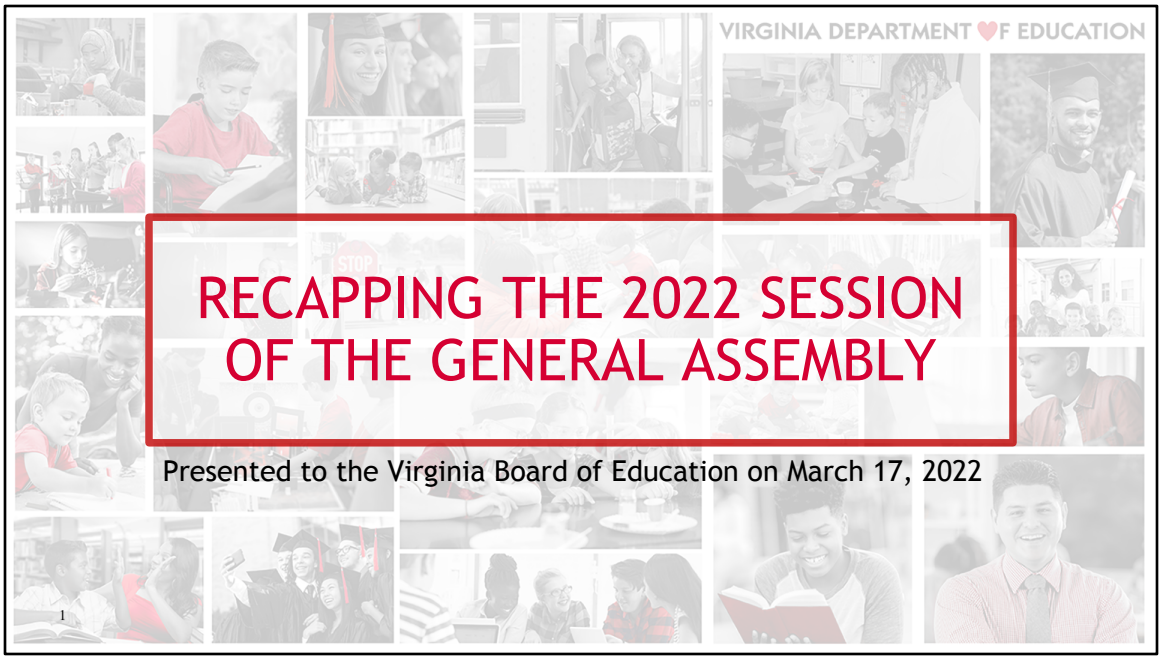
certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

SB16 (Hackworth) Income tax; Education Improvement Scholarships Tax Credits. Increases the aggregate annual cap on the Education Improvement Scholarships Tax Credits from $25 million to $50 million, increases the value of the credit from 65 percent to 80 percent, and removes the credit's current sunset of January 1, 2028. ***Incorporated into SB27 (Ruff).**

SB27 (Ruff) Income tax credits; Neighborhood Assistance Program and Education Improvement Scholarships. Makes several amendments to expand the availability of the Neighborhood Assistance Program (NAP) and Education Improvement Scholarships Tax Credits (EISTC). The bill increases the limit on NAP credits approved by the Department of Education (DOE) from $9 million to $25 million. When added to the current limit of $8 million of NAP credits approved by the Department of Social Services (DSS), the overall limit on NAP credits would be $33 million. The bill makes decisions of DOE and DSS regarding the qualification of a scholarship foundation or the awarding of tax credits subject to judicial appeal; currently, such decisions are final. The bill provides that the annual allocation of tax credits among neighborhood organizations shall not rely solely on the amount of credits awarded in the previous year. For the EISTC, the bill allows certified public accountants to receive tax credits for donations of accounting services to scholarship organizations. The bill also authorizes scholarship foundations, which are the sole recipient of funding from the issuance of EISTC, to receive funding for scholastic assistance, defined in the bill as counseling or supportive services. Under current law, scholarship foundations may receive EISTC funding only for the purpose of providing scholarships.

SB709 (DeSteph) Education improvement scholarships tax credits; sunset. Removes the sunset of taxable years beginning on or after January 1, 2028, for the tax credit for donations to certain scholarship foundations and removes the sunset for changes to the definition of an eligible student with a disability and certain income guidelines that were set to expire beginning with taxable years beginning on or after January 1, 2024. ***Incorporated into SB27 (Ruff).**

AMERICAN OVERSIGHT
VA-22-0316-A-000792



VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION

VA-22-0316-A-000794

GOVERNOR'S LEGISLATIVE AGENDA

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

INNOVATIVE SCHOOLS AND PARENT ENGAGEMENT

- House Bill 346 (Davis) and Senate Bill 598 (Pillion) allow all institutions of higher education (IHE) to establish College Partnership Laboratory Schools.
  - The original enabling legislation only authorized IHEs with educator preparation programs to apply to create lab schools.
  - These bills maintain the existing Board of Education review process to establish these schools.
- House Bill 127 (Davis) prohibits discrimination against any individual or group on the basis of race, sex, color, ethnicity, or national origin in the admissions process for academic year Governor's schools.
  - HB127 further requires divisions participating in Governor's schools to collaborate to ensure that each public middle school student has access to the coursework and rigor necessary to be considered for admission.
- Senate Bill 656 (Dunnavant) requires the Department to develop model policies for ensuring parental notification of any instructional material that includes sexually explicit content.
  - The model policies must ensure parental notification; address how to directly identify specific instructional material and sexually explicit subjects; permit parental review of identified material and provide alternative instructional material, upon request.
  - School boards must adopt policies that are consistent with. but may be more comprehensive than, the Department's model policies.

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

VA-22-0316-A-000795

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA IS FOR LEARNERS

REVIEW OF GOALS OF PUBLIC EDUCATION

- House Bill 938 (Robinson)

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

IN-PERSON INSTRUICTION AND MASKING

- House Bill 1272 (Batten) and Senate Bill 739 (Dunnavant) requires all public schools and public school-based early childhood care and education programs to offer 180 days or 990 hours of in-person teaching time. The bills further permit the parent of public school students to elect for their child to not wear a mask while on school property.
  - **HB1272 and SB732 still allow for the 10 unscheduled remote learning days or remote learning in certain cases of student discipline.**
  - **Senate Bill 739 was returned to the General Assembly with an amendment to include an emergency clause. This bill was signed by the Governor on February 16, 2022 and went into effect March 1, 2022.**

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

LITERACY INSTRUCTION AND INTERVENTION

- House Bill 319 (Coyner) and Senate Bill 616 (Lucas), also known as the Virginia Literacy Act, is a comprehensive, multi-pronged approach for ensuring evidence-based literacy instruction is implemented in all early learning classrooms.
  - This includes new and amended requirements for instruction and intervention programs, staffing, professional development and training, teacher licensure, and educator preparation programs.
- The Virginia Literacy Act is complemented by:
  - House Bill 418 (Delaney) which removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.
  - House Bill 419 (Delaney) which requires EPPs to provide coursework and that its students demonstrate mastery in science-based literacy instruction. Compliance with this requirement is monitored as part of the Department's audit process.

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION

SCHOOL SAFETY

- House Bill 873 (Greenhalgh) requires a school resource officer (SRO) to serve on the threat assessment team for only those schools employing an SRO.
  - **HB873 further requires local law-enforcement to assign a trained officer to serve as a school safety liaison in those schools where there is no SRO.**
- House Bill 1129 (Taylor) and Senate Bill 600 (Pillion) requires schools to fully collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits.

AMERICAN OVERSIGHT

VA-22-0316-A-000799

VIRGINIA DEPARTMENT OF EDUCATION | VIRGINIA IS FOR LEARNERS

OTHER NOTABLE LEGISLATION

AMERICAN OVERSIGHT

STAFFING REQUIREMENTS

- House Bill 829 (Wilt)
- Senate Bill 490 (McClellan) requires each school board to provide at one principal per school and one assistant principal per 500 students in each elementary, middle, and high school.
  - **SB490 aligns with the Board's presentation**
  - **SB490 originally included all of the prescriptions set out by the Board in 2021.**

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

GROWTH AND ASSESSMENTS

- House Bill 585 (VanValkenburg)
- House Bill 197 (Webert) required the Department of Education
- Student assessment with ESSER funds in budget

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

BOARD OF EDUCATION

- House Bill 879 (Rasoul) requires the Board of Education include at least one member with experience or expertise in local government leadership or policymaking, at least one member with experience or expertise in career and technical education, and at least one member with experience or expertise in early childhood education.
- House Bill 1188 (Davis) requires the Governor to appoint to the Board of Education a high school student who will enter his senior year during the following school year as a nonvoting student advisor to serve for a term of one year. The bill provides that no such student is eligible to be reappointed.
- Senate Bill 431 (Dunnavant) requires the Board of Education, in collaboration with the Department of Health, to (i) recommend as best practice the shortest duration of quarantine possible, as recommended by the Centers for Disease Control and Prevention, for students and employees at public schools who contract COVID-19 and (ii) develop test-to-stay guidelines for such schools and recommend such guidelines to schools for use as an alternative to quarantine for students and employees who contract COVID-19. The bill also provides that all guidelines established pursuant to the bill shall be immediately distributed to local school boards and shall reflect the most updated recommendations from the Centers for Disease Control and Prevention to limit the amount of time out of the classroom to be as short as possible, including no quarantine, as recommended for asymptomatic individuals who have been fully vaccinated either within six months or have a boosted vaccination status. The bill contains an emergency clause.

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

EARLY CHILDHOOD

- House Bill 389 (Bulova) is an agency bill and finalizes the transition of the oversight of early childhood care and education to the Virginia Department of Education. HB389 is an agency bill and includes the following provisions:
  - The Board of Education is to establish a system of regional entities that will be responsible for coordinating early childhood care and education services, guiding quality improvement of such services and coordinated access to such services for families, and implementing the uniform measurement and improvement system.
  - HB389 establishes the Child Care Subsidy Program Overpayment Fund to recover overpayments and to be repurposed solely for the purpose of providing training and supports to early childhood care and education entities.
- House Bill 994 (Brewer) and Senate Bill 529 (Reeves) directs the Board of Education to consider --- These were also Governor's bills.
- HB1328 (Delaney) and SB737 (Boysko) requires the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity, including requirements for staff training.
- SB574 (Mason) allows applicants for employment and volunteers to work in early childhood settings pending the results of a full background check, provided that (i) the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation and (ii) the applicant is supervised at all times by a person who received a qualifying result on a full background check within the past five years.

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

VA-22-0316-A-000804

SPECIAL EDUCATION

- House Bill 649 (Carr) and Senate Bill 265 (Hashmi) requires the Department to establish language developmental milestones and corresponding resources for parents to monitor and track expressive and receptive language acquisition and developmental stages toward English literacy for their children identified as deaf or hard-of hearing.
  - **SB649 and SB265 further requires the Department to select and disseminate tools for assessing language and literacy development.**
  - **The Department must report annually on literacy development of deaf or hard-of-hearing students and how progress compares to peers.**

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

VA-22-0316-A-000805

TEACHER EDUCATION AND LICENSURE

- House Bill 230 (Coyner) and Senate Bill 154 (Locke) requires the Department Applications for teacher licensure by reciprocity; military spouses; timeline for determination. Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet.
-
- HB236 (Orrock) permites the Board of Education to grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its statutory authority whose license expires on June 30, 2022.
- House Bill 979 (Tran) and Senate Bill 68 (Favola) requires the Board of Education to issue a provisional license to any individual who holds a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license.

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

VIRGINIA IS FOR LEARNERS

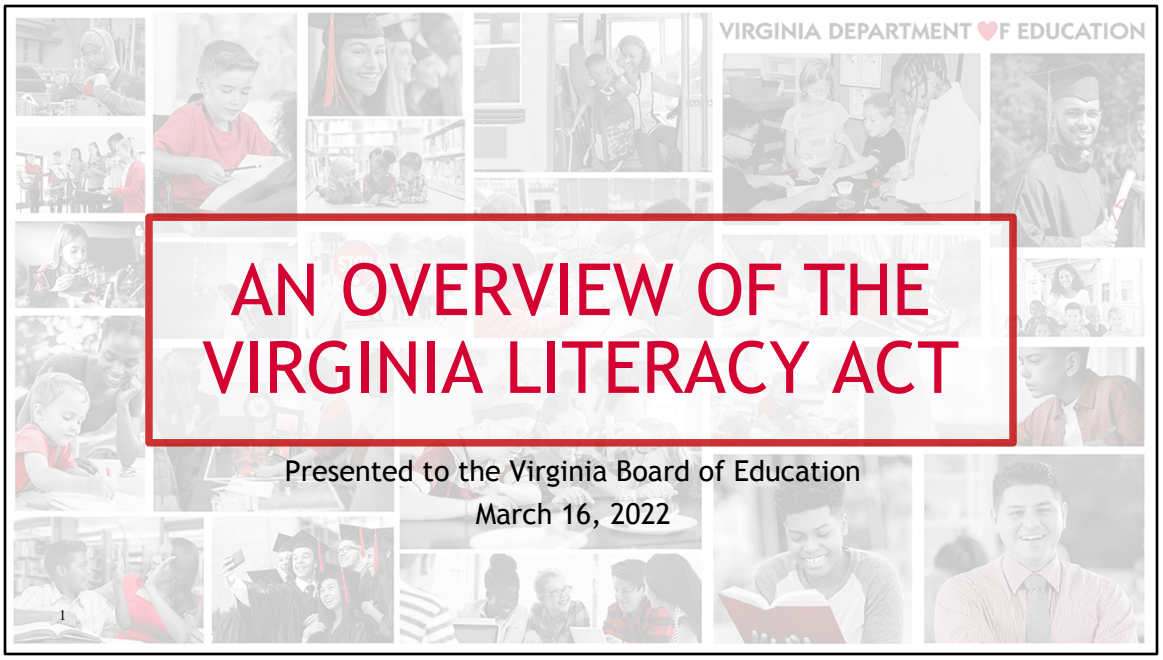
SCHOOL CONSTRUCTION

AMERICAN OVERSIGHT



VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT



VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

VIRGINIA IS FOR LEARNERS

THE VIRGINIA LITERACY ACT

- House Bill 319 (Coyner) and Senate Bill 616 (Lucas), both known as the Virginia Literacy Act, passed unanimously out of the 2022 General Assembly.
- The Virginia Literacy Act is a comprehensive, multi-pronged approach for ensuring evidence-based literacy instruction is implemented in all early learning classrooms.
- There were corresponding amendments to the Appropriation Act to fund the state share of new initiatives, including staffing.
- The provisions of the Act become effective beginning with the 24-25SY.
- HB418 (Delaney) and HB419 (Delaney), complements to the Act, address the allowable uses of Early Intervention Reading Initiative funds as well as the audit and approval of educator preparation programs, respectively.



VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA IS FOR LEARNERS

MAJOR COMPONENTS OF THE ACT

1. Definitions
   - Establishes the definition of evidence-based literacy instruction and science-based reading instruction, terms that serve as the basis of the bill's other new and amendment requirements.

2. Instruction and Intervention Programs
   - Requires both the instructional and intervention programs in grades K-3 be aligned with science-based reading research, as set out in a divisionwide literacy plan (part of the divisionwide comprehensive plan).
   - Maintains the current screening model to identify students with reading deficiencies. Those students identified as in need of intervention services must now have those services documented in a student reading plan.
   - Ensures parents are engaged in the development of the student reading plans and have access to resources to support literacy development at home.

3. Staffing Requirements
   - Adds a divisionwide staffing ratio of one reading specialist per 550 students in K-3.

3

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

VIRGINIA IS FOR LEARNERS

MAJOR COMPONENTS OF THE ACT (CONT'D)

4. Professional Development and Training
   - Requires principals and certain teachers be provided with professional development and training in science-based reading research and evidence-based literacy instruction.

5. Teacher Licensure
   - Stipulates that the literacy assessment for initial licensure or on an alternate route to licensure with certain endorsements include a rigorous test of science-based reading research and evidence-based literacy instruction.
   - Requires every person seeking initial licensure with certain endorsements complete study in science-based reading research and evidence-based literacy instruction.
   - Establishes a microcredential program for earning an add-on reading specialist endorsement.

6. Educator Preparation
   - Requires any educator preparation program providing coursework and/or training for certain endorsements or certifications ensure candidates have a program of coursework and demonstrate mastery in science-based reading research and evidence-based literacy instruction.

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

VA-22-0316-A-000812

VIRGINIA DEPARTMENT OF EDUCATION

VA-22-0316-A-000813

DEPARTMENT AND BOARD RESPONSIBILITIES

5

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

VIRGINIA DEPARTMENT OF EDUCATION

INSTRUCTION AND INTERVENTION PROGRAMS

VIRGINIA DEPARTMENT OF EDUCATION	VIRGINIA BOARD OF EDUCATION
Develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research.	Approve the list developed by the VDOE.
Approve alternative literacy programs submitted for use by school divisions that opt not to use one on the Department's list.	
Develop a template for student reading plans.	Provide guidance on the content of the student reading plans.

AMERICAN OVERSIGHT

INSTRUCTION AND INTERVENTION PROGRAMS (CONT'D)

VIRGINIA DEPARTMENT OF EDUCATION	VIRGINIA BOARD OF EDUCATION
Develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data.	
Provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards.	
Develop a template for a divisionwide literacy plan, which must include certain enumerated elements.	Issue guidance on the contents of the divisionwide literacy plan for pre-kindergarten through grade three.
Provide technical assistance, including literacy coaching, to local school divisions to provide professional development.	

VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION

PROFESSIONAL DEVELOPMENT AND TRAINING

VIRGINIA DEPARTMENT OF EDUCATION	VIRGINIA BOARD OF EDUCATION
Create a list of professional development programs aligned with science-based reading research and evidence-based literacy instruction that includes programs that provide training in dyslexia for reading specialists.	Approve the professional development list created by the VDOE.
	Provide guidance on high-quality professional development in science-based reading research and evidence-based literacy instruction for individuals with certain endorsements.
Provide resources to local school divisions to ensure that each division is able to provide professional development to teachers and reading specialists at no cost to the teachers and reading specialists.	

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION

PROFESSIONAL DEVELOPMENT AND TRAINING (CONT'D)

VIRGINIA DEPARTMENT OF EDUCATION	VIRGINIA BOARD OF EDUCATION
Establish a microcredential program for the reading specialist endorsement area in evidence-based literacy instruction and science-based reading research as well as the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder.	Issue guidance that determines how the series of microcredentials awarded to teachers would be used to award an add-on endorsement as a reading specialist.

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION

TEACHER EDUCATION AND LICENSURE

VIRGINIA DEPARTMENT OF EDUCATION	VIRGINIA BOARD OF EDUCATION
Provide support to the Board in amending its regulations governing licensure and educator preparation programs.	Amend regulations governing licensure and educator preparation programs to require that: • The literacy assessment for certain endorsements include a rigorous test of science-based reading research and evidence-based literacy instruction; • Candidates for certain endorsements complete study in science-based reading research and evidence-based literacy instruction; and • Enumerated programs provide a program of coursework and require such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction.

AMERICAN OVERSIGHT



VIRGINIA DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/16/2022 10:02:31 AM
To: "Lynch, Jesse" <jesse.lynch@governor.virginia.gov>
Cc: "Travis Rickman" <travis.rickman@governor.virginia.gov>
Subject: Re: Mask Guidance

Hi Jesse -

Thanks for sending this along! My understanding is that the "school-based early childhood care and education program" language does address school-based Virginia Preschool Initiative and Head Start classrooms, but would not apply in the private school setting. Let me check and double check with our early childhood team and I will follow up shortly.

Thank you,

On Wed, Feb 16, 2022 at 8:33 AM Lynch, Jesse <jesse.lynch@governor.virginia.gov> wrote:

> Leslie - Could you please advise on the below message
>
> ---------- Forwarded message ---------
> From: **Dayle Brittain** <info@amandabatten.com>
> Date: Wed, Feb 16, 2022 at 6:43 AM
> Subject: Fwd: Mask Guidance
> To: <jesse.lynch@governor.virginia.gov>
> Cc: <travis.rickman@governor.virginia.gov>
>
> Good morning,
>
> I have forwarded you an email from a constituent regarding masks (he also included the VDOE Covid guidelines his school provided to the parents). He is agitated that his three-year-old must wear a mask during pre-school - he called me too. Can you confirm that HB1272 does not address a private pre-school? Does "any school-based early childhood care and education program" only apply to public pre-school? That would be the Head Start program?
>
> I appreciate your help. I have also received calls/emails from college students and teachers who want to choose to wear a mask.
>
> Best regards, Send
>
> Ms. Dayle Brittain
> Legislative Aide
> Delegate Amanda Batten
> District 96
> 757-741-7001
> www.amandabatten.com
>
> -------- Original Message --------
>
> **Subject:**Mask Guidance
> **Date:**2022-02-15 9:41 pm
> **From:**Steven Lindemuth <steven.lindemuth@gmail.com>
> **To:**info@amandabatten.com
>
> Good Evening,
>
> I am a father of two girls who attend the Kensington School in JCC. The school is requiring masks to be worn by all students ages 3 and up. My daughter just turned 3 and they are requiring her to wear a mask even though she hasn't been required to this far. I voiced my concerns and was told the governors executive order and SB 739 does not apply to private daycare facilities because they are accredited and licensed by the Virginia Department of Health and Virginia Department of Education which follow CDC guidelines which recommend masking. I want to be sure my daughters are not overlooked and their mother and I be the sole decision makers in their health and well being. I would be most appreciative if someone would look into this. Please contact me with an update.
>
> Thank you,
>
> Steven Lindemuth
> 571-242-0428

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/16/2022 11:17:53 AM
To: "Lynch, Jesse" <jesse.lynch@governor.virginia.gov>
Cc: "Travis Rickman" <travis.rickman@governor.virginia.gov>, "Jenna Conway" <jenna.conway@doe.virginia.gov>
Subject: Re: Mask Guidance

Hi Jesse -

As promised, circling back on this one with a little more context from our early childhood team. As we understand it, the provision in HB1272 related to masks and "any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program" captures only students in school-based Virginia Preschool Initiative and Head Start classrooms. However, there is still a federal mask requirement for Head Start programs that would supersede here.

I have also copied Jenna Conway, our Deputy Superintendent of Early Childhood Care and Education, so she can quickly assist with any follow-up or providing any nuance I may have missed.

We're also happy to hop on a call if it might be easier to talk through.

Thank you,

Leslie

On Wed, Feb 16, 2022 at 8:33 AM Lynch, Jesse <jesse.lynch@governor.virginia.gov> wrote:

> Leslie - Could you please advise on the below message
>
> ---------- Forwarded message ---------
> From: **Dayle Brittain** <info@amandabatten.com>
> Date: Wed, Feb 16, 2022 at 6:43 AM
> Subject: Fwd: Mask Guidance
> To: <jesse.lynch@governor.virginia.gov>
> Cc: <travis.rickman@governor.virginia.gov>
>
> Good morning,
>
> I have forwarded you an email from a constituent regarding masks (he also included the VDOE Covid guidelines his school provided to the parents). He is agitated that his three-year-old must wear a mask during pre-school - he called me too. Can you confirm that HB1272 does not address a private pre-school? Does "any school-based early childhood care and education program" only apply to public pre-school? That would be the Head Start program?
>
> I appreciate your help. I have also received calls/emails from college students and teachers who want to choose to wear a mask.
>
> Best regards, Send
>
> Ms. Dayle Brittain
> Legislative Aide
> Delegate Amanda Batten
> District 96
> 757-741-7001
> www.amandabatten.com
>
> -------- Original Message --------
>
> **Subject:**Mask Guidance
> **Date:**2022-02-15 9:41 pm
> **From:**Steven Lindemuth <steven.lindemuth@gmail.com>
> **To:**info@amandabatten.com
>
> Good Evening,
>
> I am a father of two girls who attend the Kensington School in JCC. The school is requiring masks to be worn by all students ages 3 and up. My daughter just turned 3 and they are requiring her to wear a mask even though she hasn't been required to this far. I voiced my concerns and was told the governors executive order and SB 739 does not apply to private daycare facilities because they are accredited and licensed by the Virginia Department of Health and Virginia Department of Education which follow CDC guidelines which recommend masking. I want to be sure my daughters are not overlooked and their mother and I be the sole decision makers in their health and well being. I would be most appreciative if someone would look into this. Please contact me with an update.
>
> Thank you,
>
> Steven Lindemuth
> 571-242-0428

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/11/2022 11:01:16 AM
To: "Miller, Kerry" <kerry.miller@doe.virginia.gov>
Cc: "Ramnarain, Vijay (DOE)" <vijay.ramnarain@doe.virginia.gov>
Subject: Re: Masks on School Buses

Attachments: public transportation definition.PNG

Hi Kerry -

Reading through the Google document provided, it looks like Ms. Sturtz is dissecting the authority of the CDC to issue a mask mandate that would impact school buses rather than whether the order itself covers school buses. I think I would just reiterate that CDC guidance has been provided to clarify that the order itself is meant to apply to school buses. As for the CDC's authority to issue an order altogether, that would need to be addressed with the CDC's legal counsel. We are not privy to the legal guidance the CDC received in issuing the order and as we were not the authorizing agent, we are not able to provide a legal interpretation or assessment.

I hope that makes sense. Let me know if there is anything else I can provide on this one.

Thanks!

On Tue, Feb 8, 2022 at 4:47 PM Sale, Leslie <leslie.sale@doe.virginia.gov> wrote:
> Hi Kerry -
>
> Give me some time to dissect this one! I'll circle back.
>
> Thanks,
>
> On Tue, Feb 8, 2022 at 4:28 PM Miller, Kerry <kerry.miller@doe.virginia.gov> wrote:
> > Leslie,
> >
> > When you have a chance, could you take a look at the doc. Ms. Sturtz attached. I think she's getting caught up in the specific code that refers to all forms of transportation.
> >
> > Thanks

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT ♥F EDUCATION
101 N. 14th Street Richmond, VA 23219
804-225-2772 / kerry.miller@doe.virginia.gov

> > ---------- Forwarded message ---------
> > From: **Leslie-Ann Sturtz** <leslieannsturtz@gmail.com>
> > Date: Tue, Feb 8, 2022 at 4:17 PM
> > Subject: Re: Masks on School Buses
> > To: Miller, Kerry <kerry.miller@doe.virginia.gov>
> >
> > I made "comments" with the parts highlighted in yellow.
> >
> > https://docs.google.com/document/d/1oHUCpRgnGXWUrf86Gkgc1mjb6h0UjGae-batcfNwcRA/edit?usp=sharing
> >
> > On Tue, Feb 8, 2022 at 4:15 PM Miller, Kerry <kerry.miller@doe.virginia.gov> wrote:
> > > One more thing,, I just looked at your doc. and do not see any questions.
> > >
> > > Let me know,, Thanks!

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT ♥F EDUCATION
101 N. 14th Street Richmond, VA 23219
804-225-2772 / kerry.miller@doe.virginia.gov

> > > On Tue, Feb 8, 2022 at 4:10 PM Leslie-Ann Sturtz <leslieannsturtz@gmail.com> wrote:
> > > > Thank you!
> > > >
> > > > On Tue, Feb 8, 2022 at 4:09 PM Miller, Kerry <kerry.miller@doe.virginia.gov> wrote:
> > > > > Ms. Sturtz,
> > > > >
> > > > > I will need to forward your questions to VDOE's policy department for their input on this matter.
> > > > >
> > > > > Just an fyi, the original mask mandate expired and was extended. The current mandate will expire March 18th.
> > > > >
> > > > > Regards,

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT ♥F EDUCATION
101 N. 14th Street Richmond, VA 23219

AMERICAN OVERSIGHT

804-225-2772 / kerry.miller@doe.virginia.gov

On Tue, Feb 8, 2022 at 3:59 PM Leslie-Ann Sturtz <leslieannsturtz@gmail.com> wrote:
Thank you for the quick response and further information. In researching the codes you cited, I am still unsure how the CDC has any authority over the school buses in any state. Is the VDOE looking into the legality of this mandate? I cut and pasted the codes you sent me and have comments next to the parts that I question. Can you look at it and give me the explanation? Thank you.

https://docs.google.com/document/d/1o4CpAgnGxWrf86Gkgolmjb6n3jGae-3a0f3wcAA/edit?usp=sharing

Sincerely,
Leslie-Ann Sturtz

On Tue, Feb 8, 2022 at 12:51 PM Miller, Kerry <kerry.miller@doe.virginia.gov> wrote:
Ms. Sturtz,

I understand why there may be some confusion in this matter.

The mask requirement for school buses actually is based on an order issued by the Centers for Disease Control and Prevention under the Department of Health and Human Services per authority provided in Order under Section 361 of the Public Health Service Act, set out in 42 U.S.C. 264(a) and 42CFR70.2, 71.31(b), and 71.32(b).

School buses are understood as "conveyances" and therefore, subject to the order. This is reaffirmed in CDC guidance.

Please see the language from the United States Department of Transportation.

If I can be of further assistance please let me know.

The President's Executive Order 13998, *Promoting COVID-19 Safety in Domestic and International Travel*, directs the CDC and the heads of Agencies to take action, to the extent appropriate and consistent with applicable law, to require masks to be worn in compliance with CDC requirements when traveling in or on various modes of transportation. The CDC subsequently issued an Order, *Order under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, 71.31(b), 71.32(b)* (CDC Order), under its existing statutory and regulatory authority, requiring individuals to properly wear masks, unless otherwise exempted, when boarding, disembarking, and traveling on any conveyance, as defined in the CDC Order, to prevent the spread of the virus that causes COVID-19. Similarly, the Transportation Security Administration (TSA) issued Security Directive No. SD 1582/84-21-01 (TSA Security Directive), applicable to certain surface transportation modes, to implement Executive Order 13998 and enforce the CDC Order. Both the CDC Order and the TSA Security Directive became effective on February 1, 2021.

The CDC Order, consistent with the mandate in Executive Order 13998 to implement additional measures to protect public health in domestic travel, requires a mask to be worn by any operator or passenger traveling on a *conveyance* within the United States unless otherwise exempted. **Conveyances include all road vehicles** (subject to certain exceptions, e.g., for private conveyances operated solely for personal, non-commercial use), **including school buses.**[1]

---

[1] Executive Order 13998 directs the heads of Agencies to require masks, to the extent appropriate and consistent with applicable law, in or on all forms of public transportation as defined in 49 U.S.C. § 5302. School bus operations are specifically excepted from the statutory definition of public transportation. The TSA Security Directive, likewise, does not include school bus operations in its mask mandate. However, as explained above, the CDC Order applies to school buses.

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT of EDUCATION
101 N. 14th Street Richmond, VA 23219
804-225-2772 / kerry.miller@doe.virginia.gov

On Tue, Feb 8, 2022 at 11:53 AM Leslie-Ann Sturtz <leslieannsturtz@gmail.com> wrote:
Mr. Miller,
I am reaching out to you concerning the declaration that students are required to wear masks on school buses due to Biden's executive order. My children's school's superintendent gave me the information you forwarded to him that supposedly supports this declaration. However, I have read the executive order and section 5302 of title 49, United States Code, which is referenced in the executive order, and it actually excludes school buses. I have attached a screen shot of that part of the code and the links to the full document. If you could please respond and explain to me where specifically it applies to school buses, I would greatly appreciate it. If not, the VDOE needs to issue a statement to local school divisions that mask optional can apply to the buses as well. Thank you for you quick response and time.

Executive Order: https://www.federalregister.gov/documents/2021/01/26/2021-01859/promoting-covid-19-safety-in-domestic-and-international-travel

US Code 49 Section 5302: https://codes.findlaw.com/us/title-49-transportation/49-usc-sect-5302.html

public transportation definition.PNG

Sincerely
Leslie-Ann Sturtz
High School History

Teacher at Gloucester High School
Parent of students at West Point Public Schools

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT of EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

VA-22-0316-A-000823

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

(14) **Public transportation.** –The term "public transportation"–

(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and

(B) does not include–

(i) intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);

(ii) intercity bus service;

(iii) charter bus service;

(iv) school bus service;

(v) sightseeing service;

(vi) courtesy shuttle service for patrons of one or more specific establishments; or

(vii) intra-terminal or intra-facility shuttle services.

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/8/2022 5:47:22 PM
To: "Miller, Kerry" <kerry.miller@doe.virginia.gov>
Cc: "Ramnarain, Vijay (DOE)" <vijay.ramnarain@doe.virginia.gov>
Subject: Re: Masks on School Buses

Attachments: public transportation definition.PNG

Hi Kerry -

Give me some time to dissect this one! I'll circle back.

Thanks,

On Tue, Feb 8, 2022 at 4:28 PM Miller, Kerry <kerry.miller@doe.virginia.gov> wrote:

> Leslie,
>
> When you have a chance, could you take a look at the doc. Ms. Sturtz attached. I think she's getting caught up in the specific code that refers to all forms of transportation.
>
> Thanks

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT ♥F EDUCATION
101 N. 14th Street Richmond, VA 23219
804-225-2772 / kerry.miller@doe.virginia.gov

---------- Forwarded message ---------
From: **Leslie-Ann Sturtz** <leslieannsturtz@gmail.com>
Date: Tue, Feb 8, 2022 at 4:17 PM
Subject: Re: Masks on School Buses
To: Miller, Kerry <kerry.miller@doe.virginia.gov>

I made "comments" with the parts highlighted in yellow.

https://docs.google.com/document/d/1oHUCpRgnGXWUrf86Gkgc1mjb6h0UjGae-batcfNwcRA/edit?usp=sharing

On Tue, Feb 8, 2022 at 4:15 PM Miller, Kerry <kerry.miller@doe.virginia.gov> wrote:

> One more thing,, I just looked at your doc. and do not see any questions.
>
> Let me know,, Thanks!

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT ♥F EDUCATION
101 N. 14th Street Richmond, VA 23219
804-225-2772 / kerry.miller@doe.virginia.gov

> On Tue, Feb 8, 2022 at 4:10 PM Leslie-Ann Sturtz <leslieannsturtz@gmail.com> wrote:
>
> > Thank you!
> >
> > On Tue, Feb 8, 2022 at 4:09 PM Miller, Kerry <kerry.miller@doe.virginia.gov> wrote:
> >
> > > Ms. Sturtz,
> > >
> > > I will need to forward your questions to VDOE's policy department for their input on this matter.
> > >
> > > Just an fyi, the original mask mandate expired and was extended. The current mandate will expire March 18th.
> > >
> > > Regards,

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT ♥F EDUCATION
101 N. 14th Street Richmond, VA 23219
804-225-2772 / kerry.miller@doe.virginia.gov

> > > On Tue, Feb 8, 2022 at 3:59 PM Leslie-Ann Sturtz <leslieannsturtz@gmail.com> wrote:
> > >
> > > > Thank you for the quick response and further information. In researching the codes you cited, I am still unsure how the CDC has any authority over the school buses in any state. Is the VDOE looking into the legality of this mandate? I cut and pasted the codes you sent me and have comments next to the parts that I question. Can you look at it and give me the explanation? Thank you.
> > > >
> > > > https://docs.google.com/document/d/1oHUCpRgnGXWUrf86Gkgc1mjb6h0UjGae-batcfNwcRA/edit?usp=sharing
> > > >
> > > > Sincerely,
> > > > Leslie-Ann Sturtz

AMERICAN OVERSIGHT

On Tue, Feb 8, 2022 at 12:51 PM Miller, Kerry <kerry.miller@doe.virginia.gov> wrote:

Ms. Sturtz,

I understand why there may be some confusion in this matter.

The mask requirement for school buses actually is based on an order issued by the Centers for Disease Control and Prevention under the Department of Health and Human Services per authority provided in Order under Section 361 of the Public Health Service Act, set out in 42 U.S.C. 264(a) and 42CFR70.2, 71.31(b), and 71.32(b).

School buses are understood as "conveyances" and therefore, subject to the order. This is reaffirmed in CDC guidance.

Please see the language from the United States Department of Transportation.

If I can be of further assistance please let me know.

The President's Executive Order 13998, *Promoting COVID-19 Safety in Domestic and International Travel*, directs the CDC and the heads of Agencies to take action, to the extent appropriate and consistent with applicable law, to require masks to be worn in compliance with CDC requirements when traveling in or on various modes of transportation. The CDC subsequently issued an Order, *Order under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, 71.31(b), 71.32(b)* (CDC Order), under its existing statutory and regulatory authority, requiring individuals to properly wear masks, unless otherwise exempted, when boarding, disembarking, and traveling on any conveyance, as defined in the CDC Order, to prevent the spread of the virus that causes COVID-19. Similarly, the Transportation Security Administration (TSA) issued Security Directive No. SD 1582/84-21-01 (TSA Security Directive), applicable to certain surface transportation modes, to implement Executive Order 13998 and enforce the CDC Order. Both the CDC Order and the TSA Security Directive became effective on February 1, 2021.

The CDC Order, consistent with the mandate in Executive Order 13998 to implement additional measures to protect public health in domestic travel, requires a mask to be worn by any operator or passenger traveling on a *conveyance* within the United States unless otherwise exempted. **Conveyances include all road vehicles** (subject to certain exceptions, e.g., for private conveyances operated solely for personal, non-commercial use), **including school buses.**[1]

---

[1] Executive Order 13998 directs the heads of Agencies to require masks, to the extent appropriate and consistent with applicable law, in or on all forms of public transportation as defined in 49 U.S.C. § 5302. School bus operations are specifically excepted from the statutory definition of public transportation. The TSA Security Directive, likewise, does not include school bus operations in its mask mandate. However, as explained above, the CDC Order applies to school buses.

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT OF EDUCATION
101 N. 14th Street Richmond, VA 23219
804-225-2772 / kerry.miller@doe.virginia.gov

On Tue, Feb 8, 2022 at 11:53 AM Leslie-Ann Sturtz <lesliesturtz2@gmail.com> wrote:

Mr. Miller,
I am reaching out to you concerning the declaration that students are required to wear masks on school buses due to Biden's executive order. My children's school's superintendent gave me the information you forwarded to him that supposedly supports this declaration. However, I have read the executive order and section 5302 of title 49, United States Code, which is referenced in the executive order, and it actually excludes school buses. I have attached a screen shot of that part of the code and the links to the full document. If you could please respond and explain to me where specifically it applies to school buses, I would greatly appreciate it. If not, the VDOE needs to issue a statement to local school divisions that mask optional can apply to the buses as well. Thank you for you quick response and time.

Executive Order: https://www.federalregister.gov/documents/2021/01/26/2021-01859/promoting-covid-19-safety-in-domestic-and-international-travel

US Code 49 Section 5302: https://codes.findlaw.com/us/title-49-transportation/49-usc-sect-5302.html

public transportation definition.PNG

Sincerely
Leslie-Ann Sturtz
High School History

Teacher at Gloucester High School
Parent of students at West Point Public Schools

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

(14) **Public transportation.** –The term "public transportation"–

(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and

(B) does not include–

(i) intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);

(ii) intercity bus service;

(iii) charter bus service;

(iv) school bus service;

(v) sightseeing service;

(vi) courtesy shuttle service for patrons of one or more specific establishments; or

(vii) intra-terminal or intra-facility shuttle services.

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/8/2022 1:28:08 PM
To: "Miller, Kerry" <kerry.miller@doe.virginia.gov>
Cc: "Ramnarain, Vijay (DOE)" <vijay.ramnarain@doe.virginia.gov>, "Herring, Jackie (DOE)" <Jackie.Herring@doe.virginia.gov>, "Troy Myers" <Troy.Myers@doe.virginia.gov>
Subject: Re: Masks on School Buses

Attachments: public transportation definition.PNG

H Kerry -

I think the language you provided would work. I had also put together the below as a short explanation for the mandate. Hope this helps! Let me know if I can provide anything else.

Thank you!

The mask requirement for school buses actually is based on an order issued by the Centers for Disease Control and Prevention under the Department of Health and Human Services per authority provided in Order under Section 361 of the Public Health Service Act, set out in 42 U.S.C. 264(a) and 42CFR70.2, 71.31(b), and 71.32(b).

School buses are understood as "conveyances" and therefore, subject to the order. This is reaffirmed in CDC guidance.

On Tue, Feb 8, 2022 at 12:17 PM Miller, Kerry <kerry.miller@doe.virginia.gov> wrote:

> Would it be ok to respond with this language from the FMCSA site?
>
> The President's Executive Order 13998, *Promoting COVID-19 Safety in Domestic and International Travel*, directs the CDC and the heads of Agencies to take action, to the extent appropriate and consistent with applicable law, to require masks to be worn in compliance with CDC requirements when traveling in or on various modes of transportation. The CDC subsequently issued an Order, *Order under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, 71.31(b), 71.32(b)* (CDC Order), under its existing statutory and regulatory authority, requiring individuals to properly wear masks, unless otherwise exempted, when boarding, disembarking, and traveling on any conveyance, as defined in the CDC Order, to prevent the spread of the virus that causes COVID-19.
>
> [1] Executive Order 13998 directs the heads of Agencies to require masks, to the extent appropriate and consistent with applicable law, in or on all forms of public transportation as defined in 49 U.S.C. § 5302. School bus operations are specifically excepted from the statutory definition of public transportation. The TSA Security Directive, likewise, does not include school bus operations in its mask mandate. However, as explained above, the CDC Order applies to school buses.

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT ♥F EDUCATION

101 N. 14th Street Richmond, VA 23219
804-225-2772 / kerry.miller@doe.virginia.gov

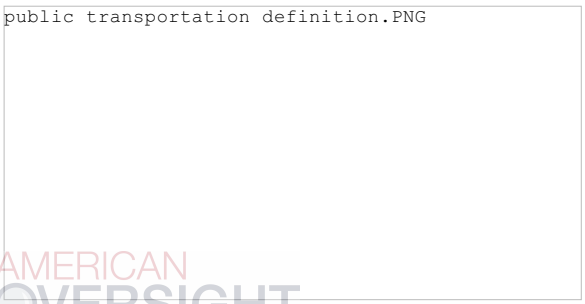
On Tue, Feb 8, 2022 at 12:02 PM Miller, Kerry <kerry.miller@doe.virginia.gov> wrote:

> Leslie,
>
> Please see the email below and advise how we should respond to Ms. Sturtz.
>
> Thanks!

Kerry L Miller
Associate Director for Pupil Transportation
VIRGINIA DEPARTMENT ♥F EDUCATION

101 N. 14th Street Richmond, VA 23219
804-225-2772 / kerry.miller@doe.virginia.gov

> ---------- Forwarded message ---------
> From: **Leslie-Ann Sturtz** <leslieannsturtz@gmail.com>
> Date: Tue, Feb 8, 2022 at 11:53 AM
> Subject: Masks on School Buses
> To: <kerry.miller@doe.virginia.gov>
>
> Mr. Miller,
> I am reaching out to you concerning the declaration that students are required to wear masks on school buses due to Biden's executive order. My children's school's superintendent gave me the information you forwarded to him that supposedly supports this declaration. However, I have read the executive order and section 5302 of title 49, United States Code, which is referenced in the executive order, and it actually excludes school buses. I have attached a screen shot of that part of the code and the links to the full document. If you could please respond and explain to me where specifically it applies to school buses, I would greatly appreciate it. If not, the VDOE needs to issue a statement to local school divisions that mask optional can apply to the buses as well. Thank you for you quick response and time.
>
> Executive Order: https://www.federalregister.gov/documents/2021/01/26/2021-01859/promoting-covid-19-safety-in-domestic-and-international-travel
>
> US Code 49 Section 5302: https://codes.findlaw.com/us/title-49-transportation/49-usc-sect-5302.html
>
> public transportation definition.PNG



AMERICAN OVERSIGHT

Sincerely
Leslie-Ann Sturtz
High School History

Teacher at Gloucester High School
Parent of students at West Point Public Schools

– –

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

(14) **Public transportation.** –The term "public transportation"–

(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and

(B) does not include–

(i) intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);

(ii) intercity bus service;

(iii) charter bus service;

(iv) school bus service;

(v) sightseeing service;

(vi) courtesy shuttle service for patrons of one or more specific establishments; or

(vii) intra-terminal or intra-facility shuttle services.

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/7/2022 9:00:00 AM
To: "Eshelman, David" <david.eshelman@doe.virginia.gov>
Cc:
Subject: Re: Nondiscrimination Clause - 2022 Publications

Hi Dave -

I did a little homework on this and it looks like the requirement to have a nondiscrimination clause is a Title IX and 504 requirement. Looking at other example statements, some reference these two federal laws but others just have the stand alone statement. For the purpose of this document, I think it is fine just to have the statement especially as you all reference OCR (which is the federal authority for compliance) as the contact for questions.

I will let you know if I see any relevant EOs come through for Governor Youngkin. Until then, I think deleting the Northam EO is fine.

Hope this helps! Let me know if there is anything more I can provide on this or otherwise.

On Wed, Feb 2, 2022 at 3:41 PM Eshelman, David <david.eshelman@doe.virginia.gov> wrote:

Leslie,

Understood, not a problem. I hope you are hanging in there.

Dave

Kind regards,

Dr. David S. Eshelman



Dr. David S. Eshelman
Director, Office of Career, Technical, and Adult Education

Virginia Department of Education 804-225-2051
david.eshelman@doe.virginia.gov
101 N. 14th Street Richmond, Virginia 23219
doe.virginia.gov/instruction/career_technical/index.shtml

> Check out my Blog

Subscribe for free: Virginia CTE Newsletter

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

VIRGINIA DEPARTMENT ♥F EDUCATION

On Wed, Feb 2, 2022 at 2:59 PM Sale, Leslie <leslie.sale@doe.virginia.gov> wrote:

Hey Dave -

Thanks for sending! Do you mind if I give you a call on this next week (once there is a lull in session)? Would that delay you too much?

Thank you!

---------- Forwarded message ---------
From: **Eshelman, David** <David.eshelman@doe.virginia.gov>
Date: Tue, Feb 1, 2022 at 1:23 PM
Subject: Fwd: Nondiscrimination Clause - 2022 Publications
To: Sale, Leslie <leslie.sale@doe.virginia.gov>

Leslie,

I told our staff that I would share this question with policy for guidance. Can you tell me how to proceed regarding a nondiscrimination clause?

David

Kind regards,

Dr. David S. Eshelman



Dr. David S. Eshelman
Director, Office of Career, Technical, and Adult Education

Virginia Department of Education 804-225-2051
david.eshelman@doe.virginia.gov
101 N. 14th Street Richmond, Virginia 23219
doe.virginia.gov/instruction/career_technical/index.shtml

> Check out my Blog

Subscribe for free: Virginia CTE Newsletter

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named

AMERICAN OVERSIGHT

recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

VIRGINIA DEPARTMENT ♥F EDUCATION

---------- Forwarded message ---------
From: **Averill Byrd** <abyrd@cteresource.org>
Date: Tue, Feb 1, 2022 at 11:07 AM
Subject: Nondiscrimination Clause - 2022 Publications
To: David Eshelman <david.eshelman@doe.virginia.gov>, Williams, James Anthony (DOE) <anthony.williams@doe.virginia.gov>
Cc: Kevin Reilly <kreilly@cteresource.org>, Nathan Pope <npope@cteresource.org>, Heather Widener <hwidener@cteresource.org>, Debi Coleman <dcoleman@cteresource.org>, Leanne Tipton <ltipton@cteresource.org>

Good morning, David and Anthony,

Our team was updating the copyright section of our courses to prepare for publication this summer. A draft is attached for your review—in particular, we have highlighted the VDOE nondiscrimination policy in the very last section.

It previously cited an Executive Order by Gov. Ralph Northam, which we have marked as deleted in the draft. I tried looking for an update, but the VDOE website has an even older reference; Gov. Youngkin did not sign a similar EO when he took office. If a similar statement is required by federal law, please advise.

Our team will apply the changes to our 2022 publications when we hear back from your office.

Thank you,

Averill

--
Averill P. Byrd
Writer/Editor
CTE Resource Center
2002 Bremo Road, Lower Level
Henrico, VA 23226
(804) 673-3778 ext. 87104
Web | Facebook | Twitter

--

LESLIE SALE, Ph.D | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

--

LESLIE SALE, Ph.D | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 1/31/2022 9:41:29 AM
To: "Petersen, Anne" <anne.petersen@doe.virginia.gov>
Cc:
Subject: Re: Please review and advise

Attachments: virginia_science_safety_guidance_2022edits-LScomments.docx

---

Hi Anna -

Good morning! I had a chance to review the guidelines over the weekend and had a few small comments included in the file attached below. Otherwise, this looks good to go on my end.

Let me know if there is anything else I can do to help.

Thank you,

On Thu, Jan 27, 2022 at 10:21 AM Petersen, Anne <anne.petersen@doe.virginia.gov> wrote:
> Thank you!!! And be sure to take some time for yourself this weekend.
>
> Anne
>
> On Thu, Jan 27, 2022 at 10:18 AM Sale, Leslie <leslie.sale@doe.virginia.gov> wrote:
> > Hi Anne -
> >
> > I'm comfortable with that as long as you, Brendon, and Michael are as well. I will try to sit down with it tomorrow or over the weekend if that helps with timeline.
> >
> > Thank you!
> >
> > On Wed, Jan 26, 2022 at 2:09 PM Petersen, Anne <anne.petersen@doe.virginia.gov> wrote:
> > > If you do not mind, I will send it as a draft to science leaders with the caveat that policy will need to review the document before making it accessible from the web page. That leads a wider window for you to review yet gets word out to science leaders.
> > >
> > > Thoughts?
> > >
> > > On Wed, Jan 26, 2022 at 1:00 PM Sale, Leslie <leslie.sale@doe.virginia.gov> wrote:
> > > > Hi Anne -
> > > >
> > > > Thanks for forwarding! With session, I may not have the chance to review this immediately. Is there a timeline for distribution I should try to keep in mind?
> > > >
> > > > Thank you again,
> > > >
> > > > On Tue, Jan 25, 2022 at 1:39 PM Petersen, Anne <anne.petersen@doe.virginia.gov> wrote:
> > > > > I wanted to provide science leaders with revised guidance for science safety with the EO2. Michael Bolling and Brendon Albon reviewed the attached documents (one an edited look at the document and the second the finalized proposed document) and asked me to run it by you. Let me know what you think!
> > > > >
> > > > > Anne
> > > > >
> > > > > --
> > > > > Anne Petersen, Ph.D.
> > > > > Science Coordinator
> > > > > Virginia Department of Education
> > > > > 101 N.14th St., Richmond
> > > > > (804) 225-2676
> > > >
> > > > --
> > > > LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
> > > > OFFICE OF POLICY
> > > > VIRGINIA DEPARTMENT ♥F EDUCATION
> > > > 804.371.0558 | leslie.sale@doe.virginia.gov
> > >
> > > --
> > > Anne Petersen, Ph.D.
> > > Science Coordinator
> > > Virginia Department of Education
> > > 101 N.14th St., Richmond
> > > (804) 225-2676
> >
> > --
> > LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
> > OFFICE OF POLICY
> > VIRGINIA DEPARTMENT ♥F EDUCATION
> > 804.371.0558 | leslie.sale@doe.virginia.gov
>
> --
> LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
> OFFICE OF POLICY
> VIRGINIA DEPARTMENT ♥F EDUCATION
> 804.371.0558 | leslie.sale@doe.virginia.gov

--
LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

Anne Petersen, Ph.D.
Science Coordinator
Virginia Department of Education
101 N.14th St., Richmond
(804) 225-2676

--



LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

Virginia Science Instruction Guidance for Safe Science Instructionin-person and at-home Learning Environments

General Planning

On June 9, 2020January 15, 2022 Governor Ralph NorthamGlenn Youngkin released *Executive Order Number Two: Reaffirming the Rights of Parents in the Upbringing, Education, and Care of Their Children*. In this order, Governor Youngkin rescinded Executive Order Number Seventy-Nine (2021) which addressed the wearing of masks in schools. This order also directs the Superintendent of Public Instruction to rescind the Interim Guidance for COVID-19 Prevention in Virginia PreK-12 Schools, issued January 14, 2021, and updated October 14, 2021, and issue new guidance for COVID-19 prevention consistent with this Order.

announced a phased reopening of K-12 schools, which gradually permits in-person instruction to resume while prioritizing the health and safety of students and staff. In order to minimize the disparate impacts closures have had on students, this approach prioritizes the needs of students who have been most impacted by school building closures, and for whom in-person instruction is most beneficial. Before entering Phase II or III, every public and private school in Virginia will be required to submit to the VDOE a plan outlining their strategies for mitigating public health risk of COVID-19 and complying with CDC and VDH recommendations. Those schools currently operating under a variance or who were exempt from the closure mandate may continue to do so, and have until July 15 to submit a health compliance plan.

- ☐ Health Plan Guidance (Word)
- ☐ Sample School Health Screening Guidance (Word)
- ☐ Sample Entrance Questionnaire Forms available in English (Word) and Spanish (Word)
- ☐ Phase II plan submission form for public school division
- ☐ Phase II plan submission form for private schools

Additionally, public school divisions will be required to submit a plan for providing new instruction to all students in the 2020-2021 academic year, regardless of phase or the operational status of the school at the time. This plan must also include strategies to address learning lost due to spring 2020 school closures. This should include a plan for fully remote instruction should public health conditions require it.

Formatted: Normal (Web), Space Before: 6 pt, After: 4 pt, Pattern: Clear (Background 1)

AMERICAN OVERSIGHT

- ~~Instructional Plan Guidance (Word)~~
- ~~Instructional Plan Submission Link~~

~~As the Virginia Department of Education (VDOE) partners with the Virginia Department of Health (VDH) to monitor the COVID-19 pandemic, school divisions are in the process of determining what model of delivery will be the in the best interest of the health and safety of both students and teachers within schools.~~ This document was created to serve as guidance for Virginia science leaders and educators in creating safe science classroom environments that support the use of science and engineering practices when developing science conceptual understanding aligned to the 2018 *Science Standards of Learning*. This document should be used with the *Interim Guidance for COVID-19 Prevention in Pre-K 12 Schools* published by the Virginia Department of Health and the Virginia Department of Education on January 21, 2022. The *VDOE Safety in Science Teaching* (updated September 2019) and the division Chemical Hygiene Plan are to be used by all leaders and teachers when developing and implementing science investigations.

General Consideration for Science Instruction

The current events of the COVID-19 and racial justice present opportunities for science instruction. The interest in diseases and public health can lead to the exploration of many concepts, such as viruses, genetics, risk factors, airflow, data analysis, arguing from evidence, mathematical thinking, and computer modeling. Educators should consider the effect the discussions have on students who may have experienced the effects of COVID-19 and other diseases in family and acquaintances.

~~This is also a time to examine the history and nature of science and engineering. What voices and contributions are valued and promoted? What biases are reflected? What are multiple ways of knowing about the world? What career barriers and opportunities are available for all professionals?~~

~~Educators should also examine their own practices. Are my discipline and encouragement practices supportive of all students? Am I too busy and schedule-driven to provide individual attention? Do my assignments and tasks limit the curiosity, creativity and potential of students? Am I providing my science knowledge rather than helping students develop their own? Am I perpetuating an education system that marginalizes certain students? An equity lens should be used, particularly with access to materials and supplies, instruction, and relationship with students and families.~~

Formatted: Normal (Web), Space Before: 6 pt, After: 4 pt, Pattern: Clear (Background 1)

Formatted: Font: Times New Roman, Bold

Commented [LS1]: Recommend striking

AMERICAN OVERSIGHT

~~**Recommendations for in-person science instruction**~~

~~As divisions and educators plan for hybrid and in-person scenarios, the following are relevant science specific recommendations. As the Covid-19 situation continuously develops, consult the current Virginia Department of Health (VDH) and Center for Disease Control (CDC) health guidelines.~~

~~Science investigations and student interactions are key components of science learning. These practices allow students to make sense of the observations and results. Teachers may need to modify many normal instructional practices to prevent the spread of viruses and other disease causing organisms. The following are some considerations~~.

Physical spaces and materials for in-person science learning

Science instruction utilizes a variety of **classroom spaces**: normal classrooms, dedicated laboratories, shops, and combination classroom/lab rooms. Often materials are shared between students. Some physical considerations:

- Provide adequate spacing of students and staff. The spacing could be encouraged through markings on tables and floor, and the placement of desks. Partitions that can be sanitized can be placed between lab stations. Please see the updated guidance as to student spacing in the *Interim Guidance for COVID-19 Prevention in Pre-K 12 Schools.*
- Consider the available ventilation, including exhaust fans and window openings. Fume hoods provide little ventilation for the entire room. Odors from activities might irritate sensitive lungs and eyes.
- Plan for the sanitation of surfaces (desks, lab tables, partitions, doorknobs, etc.), lab equipment, materials, and personal protective equipment such as safety glasses, gloves, and aprons. Be certain to sanitize items before being used by another student. Some possibilities include bleach solutions. If using chemicals in the laboratory environment, ensure that these chemicals will not react adversely to the presence of bleach or other chemical cleaners. If there is a possibility of an adverse reaction, consider using chemical alternatives in the experiment. *Although COVID-19 is transmitted through the air, a robust sanitation protocol can lead to reduced transmission of other illnesses.*
- Have hand sanitizers available and emphasize using these before and after laboratory experiments and activities.
- Goggle should be cleaned prior to and after each use.

AMERICAN OVERSIGHT

- Goggles may be cleaned using a goggle sanitizing cabinet or through the disinfectant-dip method. The age of the bulb in the goggle sanitizing cabinets may impact the cabinet's effectiveness.
- ~~Ensure cleaning of goggles takes place on a clean, disinfected surface and after proper hand hygiene is performed.~~
- ~~Clean and disinfect goggles with soap/detergent and water followed by using either sodium hypochlorite 0.1% (rinse with clean water) or 70% alcohol wipes. Other EPA registered hospital disinfectant solution may also be used.~~
- ~~Appropriate contact time with disinfectant (e.g. 10 minutes when using sodium hypochlorite 0.1%) should be adhered to before reuse of goggles.~~
- ~~After cleaning and disinfection, store goggles in a clean area to avoid recontamination.~~
- Goggles may be cleaned immediately after use OR may be placed in a designated closed container for later cleaning and disinfection.

~~Note: There are mixed messages regarding whether the ultraviolet light in goggle sanitizer cabinets are effective in disinfecting viruses.~~

- Remove unnecessary items that could need sterilizing, such as excess glassware and reagent bottles.
- Consider using disposable materials and small-scale practices (e.g. micro-scale chemistry) to reduce the sanitation needs. Follow safe and sanitary disposal methods for chemicals, supplies, materials and personal items.
- If possible, reduce the sharing of materials by encouraging students to bring their own items such as calculators, rulers, hand lenses (magnifying glasses), gloves, and goggles.
- ~~Consider using available vacant spaces for individual and small group use. These could include vacant classrooms, cafeterias, libraries, auditoria, and hallways. Consider how all safety requirements of each activity or experiment will be met in an alternative setting. Regardless of the location of the activity, appropriate Personal Protective Equipment (PPE) should be used for the experiment or activity.~~

Educators should consider the use of **outdoor spaces** for instruction. In addition to the science learning advantages of working with real-world environments, there are health and psychological benefits of outdoor environments. There may also be more opportunities for physical distancing of students. Educators should consider the use of school grounds and nearby public spaces.

AMERICAN OVERSIGHT

Science Instructional Practices for in-person science learning

Science learning relies on the interaction between students and teachers and among students to construct science knowledge and skills. With the updated language outlined in Executive Order Number Two, teachers may need to modify their classroom practices of having students work in pairs, such as lab partners, and small groups ~~Teachers may need to modify the normal practices of having students work in pairs, such as lab partners, and small groups.~~ Here are some considerations for maintaining those interactions and avoiding the spread of disease.

- Evaluate planned student activities and interactions for safety, but also their value for engaging students in meaningful science thinking and learning. Consider alternatives that teach the same concepts and skills. Build in extra time for sanitizing activities.
- Include instruction that teaches the routines and procedures that students should use in the class and out-of-school. Consider the traffic flow when distributing materials and other equipment. Minimize the number of students that need to move Establish personal student practices washing hands and sharing materials. Masks should be considered when working in the laboratory setting where students may be close together for a prolonged period of time. ~~. Establish personal student practices such as wearing masks, washing hands, and sharing materials. These practices should align with those established in your division plans submitted to VDH and VDOE.~~ Use signage that encourages the practices.
- Modify grouping practices. For physical investigations, one student could perform the investigation and share the observations with the partners who remain at a proper distance~~. The student performing the experiment could make a video recording to share observations and use a shared computer application for sharing results and data. The group could also share data analysis and the development of explanations through remote means.~~
- Consider alternative methods for investigations. A teacher could perform the physical aspects of the investigation as a demonstration or as a video recording, which would then be used by students for analysis and explanations. The use of cameras and large-scale projectors can enhance this practice. Pre-recorded videos and computer simulations are also alternative methods for investigations.
- ~~Flipped-classroom methods, such as the recording of lectures, demonstrations and assignment directions could reduce the time~~

Commented [LS2]: I'm not sure I understand what changed here and the need to reference the EO.

Commented [LS3]: Maybe add language here about consistent with local school board policy.

AMERICAN OVERSIGHT

~~allotted to direct instruction and allow more time for laboratory experiments, activities, and student collaboration.~~

- Engaging paraprofessionals and volunteers can provide additional opportunities for student instruction and learning. There may be community members, such as nature center staff, scientists, technicians, and medical staff, who are underutilized at this time. They could help with mentoring, differentiation, and small group work. For example, the volunteers could work with a group of students in a different room while the teacher leads laboratory investigations. Be sure to follow division protocols in allowing volunteers, nonformal educators, or speakers in classrooms.

~~Recommendations for science at-home and hybrid instruction~~

~~Recover, Redesign, and Restart 2020 is a guiding document for Virginia school divisions developed in response to the COVID-19 pandemic and in preparation for schools reopening. It addresses all facets of school operations and includes key questions, embedded links to resources, and recommendations for school leaders within the reopening parameters set forth by our Governor. Please refer to this document for general instructional guidance for at home and hybrid instruction.~~

~~When considering activities to be completed by students at home, scrutinize the activities to determine the appropriateness of completing the activity outside of the traditional classroom. Activities should be safe, aligned to standards, and support student learning. Recognize that whether an activity is completed at school or at home, the role of the teacher is to facilitate students to use the activity as a springboard for developing science conceptual understanding.~~

- ~~Safety considerations are paramount. Plan for anything that could go wrong, especially considering that the students might not have adult support and supervision. Document safety considerations in student materials, parent guidance, and teacher lesson plans.~~
- ~~Be cautious when handling chemicals, plants and animals. Consider the hazards and safety precautions for sharp objects, heated objects, and breakable items. Students may have allergies and sensitivities. Use eye protection and gloves, wash hands, and safely dispose of materials.~~
- ~~Safety considerations need to take into account younger children that may be present in a home. If a material could be dangerous to a younger child, please provide safety guidance to the responsible adult or consider an alternative learning activity.~~

AMERICAN OVERSIGHT

- ~~The use of household chemicals or kitchen supplies should be limited to those that have a safety classification as 1 on the Safety Data Sheet (SDS). For example, vinegar should not be used without appropriate personal protective equipment because of the safety label of 2 (see excerpt from SDS below). Safety data sheets should be reviewed before using any household substances in an activity. Safety hazard information can be found at https://www.era-environmental.com/blog/ghs-hazard-classification. Safety Data Sheets can be found through the school's safety materials or through searching the internet for "SDS <chemical name>."~~

- ~~Personal Protective Equipment (PPE) is to be provided by the school or parent prior to the completion of any investigation with safety considerations. Eye protection, such as goggles or protective glasses, should be worn with any activity or experiment that includes the use of chemicals (including common household chemicals), sharp objects, and projectile objects. If proper PPE is not available, the laboratory exercise or activity should not be conducted outside of the classroom setting.~~

- ~~Examine any videos you assign to students for safety practices. Do they use proper eye protection? Do they give the students ideas for dangerous activities that students might try? The statement of "Don't try this at home" is not adequate protection from injury and liability.~~

- ~~For some investigations, the teacher could video record physical aspects of the investigation for students to make observations and analyze data. Narrative descriptions could provide the experience for students without electronic capabilities.~~

- ~~Provide means for students to have productive discussions with their peers or family members about the topic, investigation or project. Some mechanisms include phone conversations, electronic dashboards, and video conferences.~~

~~Resources~~

- ~~The National Science Teachers Association has a collection of science safety resources, although they are not specific for the COVID-19 situation.~~
- ~~World Health Organization (2020). Rational use of personal protective equipment for coronavirus disease (COVID-19) and considerations during severe shortages. Retrieved from WHO/2019-nCov/IPC_PPE_use/2020.3~~

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 3/18/2022 8:00:00 AM
To: "Johnson, Joan" <joan.johnson@doe.virginia.gov>
Cc: "Maggie Clemmons" <maggie.clemmons@doe.virginia.gov>
Subject: Re: Presentation shared with you: "ABTEL Presentation.pptx"

Attachments: final_legislative_report-03.22-legislation_only.docx

Hi Joan and Maggie -

As requested, I am sending a updated presentation deck for ABTEL. At this point, I don't expect any additional changes before Monday, so this information will stand. I have also attached a report that provides a status on all of the legislation that was introduced during 2022.

Let me know if there is anything else I can provide!

On Mon, Mar 14, 2022 at 11:59 AM Johnson, Joan <joan.johnson@doe.virginia.gov> wrote:
Thanks for the updates. We have shared the document with the board. Given the potential for future updates by next week, We will ask that you share the final version on the day of the presentation and we will share that final document with the board and post it to the website to support the meeting minutes- after the meeting.

jj

Dr. Joan S. Johnson / Assistant Superintendent
Department of Teacher Education and Licensure
Virginia Department of Education
804.371.2522
joan.johnson@doe.virginia.gov

On Mon, Mar 14, 2022 at 10:50 AM Leslie Sale (via Google Slides) <drive-shares-dm-noreply@google.com> wrote:

leslie.sale@doe.virginia.gov shared a presentation

leslie.sale@doe.virginia.gov has invited you to **edit** the following presentation:

Made a few small edits to reflect where we are between adjournment and special session.

Thank you!

ABTEL Presentation.pptx

Open

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA
You have received this email because leslie.sale@doe.virginia.gov shared a presentation with you from Google Slides.

Google Workspace

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA IS FOR LEARNERS

REPORT ON 2022 GENERAL ASSEMBLY ACTIVITY

This report provides an update on the status of legislation introduced during the 2022 Regular Session of the General Assembly related to preK-12 education as well as early childhood care and education.

Updated as of March 14, 2022.

AMERICAN OVERSIGHT

VA-22-0316-A-000844

TABLE OF CONTENTS

Assessments **1**

Athletics, Interscholastic Programs, and Youth Sports **2**

Board of Education **3**

Charter and College Partnership Laboratory Schools **4**

Early Childhood Care and Education **4**

Facilities and Transportation **5**

Facilities 5

Transportation 8

Learning and Instructional Material **8**

Career and Technical Education 8

Family Life Education 9

General Curriculum and Instructional Material 9

Governor's Schools 12

Literacy 13

Other 13

STEM+C 14

Local School Boards and Divisions **16**

Miscellaneous **17**

School Health and Nutrition **18**

School Health 18

School Nutrition 19

School Safety and Discipline **19**

Special Education and the Children's Services Act **22**

Standards of Quality **23**

Studies **23**

Student Services **24**

Teacher Education and Licensure **25**

Teacher Employment and Compensation **25**

Tax Credits, Vouchers, and Savings Programs **28**

AMERICAN OVERSIGHT

***Bills that are greyed out were either continued to 2023, incorporated, left in committee, or failed to report.**

ASSESSMENTS

HB197 (Webert) Public elementary and middle schools; student growth assessments; NWEA MAP Growth assessment program. Requires the Board of Education, in implementing the through-year growth assessment system for the administration of reading and mathematics assessments in grades three through eight, to seek input and suggestions from each interested local school division in the Commonwealth regarding ways in which such system can emulate the functionality of the NWEA MAP Growth assessment program, including ease of administration and use, and shall, to the extent possible, incorporate such input and suggestions into the through-year growth assessment system.

HB433 (Bulova) Certain Standards of Learning assessments; method of administration. Requires (i) the reading and mathematics Standards of Learning assessments in grades three through eight and the science assessments administered to students in grade five and after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight to be traditional achievement tests and (ii) the Virginia Studies and Civics and Economics assessments to be performance based and to measure the test taker's ability to apply the skills and knowledge learned in the class. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also requires the Department of Education, with such funds as may be appropriated for such purpose pursuant to the general appropriation act, to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and align with the Department's Virginia Quality Criteria Review Tool for Performance Assessments. *Incorporated, in part, into HB585 (VanValkenburg)

HB585 (VanValkenburg) Middle and high school end-of-course assessments; number and type. Requires, except for those middle and high school students with significant cognitive disabilities who participate in an alternate assessment, each student in middle and high school to take only those end-of-course Standards of Learning assessments necessary to meet federal accountability requirements and Virginia high school graduation requirements. The bill requires the Department of Education, in addition to such assessments, to develop or adopt and require each high school student to take, during junior year or at such other time as may be appropriate, statewide skills-based and performance-based end-of-course assessments in biology and U.S. history that are aligned to the Standards of Learning for each such subject. The bill requires each such assessment to be graded by the Department of Education according to statewide grading rubrics. The bill requires student performance on each such assessment to account for 10 percent of the student's final grade in each such course. The foregoing provisions of the bill have a delayed effective date of July 1, 2027, and the bill provides that the first such assessments shall be administered during the spring of the 2027–2028 school year. The bill further requires the Department of Education to (i) semiannually publish on a publicly accessible portion of its website sample statewide skills-based and performance-based end-of-course assessments in biology and U.S. history during the 2022–2023 through 2026–2027 school years and (ii) annually administer a pilot program during the 2023–2024 through 2026–2027 school years whereby it administers skills-based and performance-based end-of-course assessments in biology and U.S. history to high school juniors in select school divisions to determine the validity of such assessments and make such adjustments as may be necessary before the first such assessments are administered statewide during the spring of the 2027–2028 school year.

SB430 (Dunnavant) Department of Education; assessing individual student growth. Requires the Department of Education to create or request proposals for a system for value-added modeling to assess growth of students in public schools. The bill requires each school board in the Commonwealth to, upon the creation of such system, implement the system and make reports made by the system available to parents or guardians for their child's report and the Department. *Continued until 2023.

AMERICAN OVERSIGHT
VA-22-0316-A-000846

SB760 (Suetterlein) Department of Education; task bank for performance-based assessments. Requires the Department of Education to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and aligns with (i) the Department's Virginia Quality Criteria Review Tool for Performance Assessments, (ii) the content in the standards of quality, and (iii) the skills in the Profile of a Graduate. The bill provides that school divisions may select tasks from the task bank.

ATHLETICS, INTERSCHOLASTIC PROGRAMS, AND YOUTH SPORTS

HB522 (March) Students who receive home instruction; participation in interscholastic programs. Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is a person of school age for whom public school is free; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2027.

HB844 (Lopez) and SB285 (Ebbin) High school interscholastic athletic competition; prevention of hate speech and ethnically or racially insensitive expressions. Requires the organization governing high school athletics and academic activities for public and approved nonboarding nonpublic high schools (the organization), with such funds as may be appropriated by the General Assembly for such purpose pursuant to the general appropriation act, to develop (i) rules and standards for the prevention of inequities involving the use of hate speech or ethnically or racially insensitive expressions during athletic and academic competitions sponsored by the organization's member schools, (ii) procedures for the enforcement of and penalties for the violation of such rules and standards, and (iii) training materials on such rules and standards. The bill requires each member school of the organization to abide by and implement such rules, standards, procedures, and penalties and ensure that each student who will participate in high school interscholastic athletic or academic competition, the parent of each such student, and each individual, whether paid or unpaid, who coaches a team that will participate in high school interscholastic athletic or academic competition receives and reviews such training materials. The bill requires the organization to make part of the process to become a registered official in good standing for any association offering services to the organization an education and training requirement that is consistent with the training materials developed by the organization. The bill has a delayed effective date of January 1, 2023.

HB1043 (Tran) and SB483 (McClellan) Department of Education; recommendations on background check and training requirements for youth sports coaches and staff. Directs the Department of Education to make recommendations regarding appropriate background check and training requirements for coaches, staff members, and other volunteers of competitive sports leagues in which persons under the age of 18 participate. The bill requires the Department of Education to consult with child sexual assault victims advocates and youth competitive sports leagues in making its recommendations and to submit to the Governor and General Assembly a report of its recommendations by November 1, 2022.

AMERICAN OVERSIGHT
VA-22-0316-A-000847

HB1298 (Price) Certain student-athletes; compensation for name, image, or likeness. The bill prohibits any (i) high school student-athlete who participates in interscholastic athletic competition from entering into any contract to receive compensation in exchange for the use of such student's name, image, or likeness and (ii) student-athlete enrolled at an institution of higher education in the Commonwealth who participates in intercollegiate athletic competition from entering into any contract to receive compensation in exchange for the use of such student's name, image, or likeness, the duration of which extends beyond the student's enrollment at such institution.

SB161 (Hashmi) Department of Education; heat-related illness; guidelines. Directs the Department of Education, in conjunction with stakeholders, to develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk of heat-related illness, how to recognize the signs of heat-related illness, and how to prevent heat-related illness to be distributed to local school divisions by August 1, 2022.

SB766 (Kiggans) Schools; athletics; participation in female sports; civil cause of action. Requires each elementary or secondary school or a private school that competes in sponsored athletic events against such public schools to designate athletic teams, whether a school athletic team or an intramural team sponsored by such school, based on biological sex as follows: (i) "males," "men," or "boys"; (ii) "females," "women," or "girls"; or (iii) "coed" or "mixed." Under the bill, male students are not permitted to participate on any school athletic team or squad designated for "females," "women," or "girls"; however, this provision does not apply to physical education classes at schools. The bill provides civil penalties for students and schools that suffer harm as a result of a violation of the bill. Such civil actions are required to be initiated within two years after the harm occurred.

BOARD OF EDUCATION

HB879 (Rasoul) Board of Education; membership; qualifications. Requires the nine-member Board of Education, all of whom are appointed by the Governor, to include at least one member with experience or expertise in local government leadership or policymaking, at least one member with experience or expertise in career and technical education, and at least one member with experience or expertise in early childhood education.

HB938 (Robinson) Board of Education; stakeholder group; evaluation of and recommendations for certain current and proposed policies and performance standards for public elementary and secondary schools. Requires the Board of Education to collaborate with the Superintendent of Public Instruction and the Secretary of Education to convene a group of stakeholders to include parents, public school principals, public school superintendents, public school board members, institutions of higher education, the State Council of Higher Education for Virginia, industry partners and employers, and other concerned stakeholders to evaluate, to implement where possible, and to otherwise make recommendations to the General Assembly regarding seven enumerated goals. The bill requires the Secretary of Education and the Superintendent of Public Instruction, no later than November 30, 2022, to report to the chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such evaluation and recommendations to achieve such goals.***This is a Governor's bill. The companion bill, SB558 (Suetterlein), failed to report from Senate Education and Health.**

HB1188 (Davis) Board of Education; Student Advisory Board. Establishes a Student Advisory Board for the purpose of providing student perspectives on matters before the Board of Education. The Advisory Board shall consist of eight members appointed by the Governor, each of whom shall be a high school student who will enter senior year during the following school year and each of whom shall reside in a different Superintendent's region.

AMERICAN OVERSIGHT
VA-22-0316-A-000848

CHARTER AND COLLEGE PARTNERSHIP LABORATORY SCHOOLS

HB344 (Davis), SB608 (Suetterlein), and SB635 (Chase) Public charter schools; applications; review and approval. Permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions. ***These are Governor's bills.**

HB346 (Davis) and SB598 (Pillion) College partnership laboratory schools; application and establishment. Permits any public institution of higher education, private institution of higher education, or private business to apply to the Board of Education (the Board) to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school and no explicit provision is made for the conversion of an existing school. The bill requires the Board, in reviewing such applications, to give substantial preference to any application from a historically black college or university and any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board. ***These are Governor's bills and because they were still in conference at the time of adjournment, will be carried over to the special session.**

HB356 (Tata) and SB125 (Obenshain) Public schools; regional charter school divisions. Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school. ***These were Governor's bills.**

EARLY CHILDHOOD CARE AND EDUCATION

HB41 (Scott) Early childhood care and education; publicly funded providers; assessment of children. Provides that, except as otherwise required by federal law, no child who is enrolled at a publicly funded provider shall be required to participate in the Virginia Kindergarten Readiness Program or any other program for the assessment of the child's cognitive ability, development, learning, or readiness for kindergarten.

HB389 (Bulova) Early childhood care and education; regional entities; Child Care Subsidy Program Overpayment Fund established. Requires the Board of Education to establish a system of regional entities that will be responsible for coordinating early childhood care and education services, guiding quality improvement of such services and coordinated access to such services for families, and implementing the uniform measurement and improvement system. The bill establishes the Child Care Subsidy Program Overpayment Fund, consisting of all overpayment moneys collected or recovered by the Department of Education or any state or local agency contracted to administer the Child Care

AMERICAN OVERSIGHT
VA-22-0316-A-000849

Subsidy Program, net of any refunds due to the federal government, to be used solely for the purpose of covering the cost of providing training and supports to early childhood care and education entities. ***This is an agency bill.**

HB994 (Brewer) and SB529 (Reeves) Board of Education; Child Care Subsidy Program; Armed Forces. Directs the Board of Education (the Board) to amend its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill. ***These are Governor's bills and have been signed by the Governor.**

HB1328 (Delaney) and SB737 (Boysko) Early childhood care and education entities; administration of epinephrine. Requires the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity, to be administered by any nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any child believed to be having an anaphylactic reaction. The bill mandates that such policies shall require that at least one school nurse, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular facility hours any such epinephrine that is stored in a locked or otherwise generally inaccessible container or area. This bill shall be known as Elijah's Law.

SB193 (Mason) Child day programs; licensure; accredited private schools. Adds to the list of child day programs not required to be licensed by the Superintendent of Public Instruction to operate in the Commonwealth programs offered by accredited private schools that are in good standing with the Virginia Council for Private Education and operate for no more than four hours per day. The bill provides that, to be exempt from licensure, such accredited private school programs must be staffed by the accredited private school's employees and attended by children who are at least five years of age and are enrolled in the school. The bill requires such programs to be subject to safety and supervisory standards established by the Virginia Council for Private Education.

SB574 (Mason) Child care; background checks. Allows applicants for employment and applicants to serve as volunteers to work in certain child day centers, family day homes, and family day systems pending the results of a full background check, provided that (i) the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation and (ii) the applicant is supervised at all times by a person who received a qualifying result on a full background check within the past five years.

FACILITIES AND TRANSPORTATION

FACILITIES

HB63 (Edmunds) Additional local sales and use tax to support schools. Adds Prince Edward County to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.

HB251 (Simonds) and SB481 (McClellan) School boards and local governing bodies; unexpended local funds; school maintenance, renovation, and construction. Encourages each school board to enter into a collaborative agreement with the local governing body to set aside in a separate fund any sums appropriated to the school board by the local governing body that are unexpended by the school board in any year in order to use such sums to finance school maintenance, renovation, or construction in the local school division. The bill declares any school board that fails to enter into such a collaborative agreement ineligible to participate in any state grant, loan, or bond program that supports school maintenance, renovation, or construction. This bill is a recommendation of the Commission on School Construction and Modernization.

AMERICAN OVERSIGHT
VA-22-0316-A-000850

HB253 (Simonds) Literary Fund; loans; application process; maximum loan amounts; rates of interest; closing costs; waiting lists. Makes several changes to the provisions relating to loans from the Literary Fund to finance the construction and renovation of public elementary and secondary school buildings in the Commonwealth. The bill requires the Board of Education (the Board) to establish an annual open application process for Literary Fund loans to occur during the period that the Board deems most suitable. The bill increases from $7.5 million to $25 million the maximum Literary Fund loan amount and permits the Board to increase such maximum to up to $35 million for loans for any school construction or renovation project that facilitates the consolidation of schools. The bill requires the Board to fix the interest rate on all loans made from the Literary Fund at not less than one percent per year, not more than three percent per year, and at increments of one half of one percent per year between such minimum and maximum rates, payable annually, and to utilize a sliding scale based on the local school division's composite index of local ability to pay to determine the interest rate on each such loan. Under current law, such rates are required to be set between two and six percent per year. The bill requires the Board to establish a competitive program for the award of up to $25,000 to a school division that receives a Literary Fund loan for the purpose of subsidizing all or a portion of the closing costs for such loan. The bill also permits the Board to remove any project that has been inactive for at least five years from any Literary Fund loan project waiting list that it maintains. This bill is a recommendation of the Commission on School Construction and Modernization.

HB391 (Frietas) Certain school board property; establishment of gun-free zone permitted. Removes the authority of any school board to deem any non-school zone building or property that it owns or leases where employees of such school board are regularly present for the purpose of performing their official duties as a gun-free zone. Under current law, any school board may prohibit any individual, subject to exceptions, from knowingly possessing, purchasing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property.

HB559 (O'Quinn) Local school boards; composite index of local ability-to-pay; required local effort; adjustment in certain circumstances. Provides that in any case in which a local school board enters into a comprehensive agreement with a private entity pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 whereby the private entity finances the construction of a new public school building in the local school division through the issuance of bonds; leases the building to the local school board in an arrangement such as a certificate of participation, a double net lease, or a triple net lease; and expects the local school board to make lease payments in an annual amount that approximates or is equal to the annual debt service on such bonds, the Department of Education shall not consider 50 percent of such lease payments as capital outlay and debt service and therefore shall not subtract such payments in the biennial calculation of net local expenditures for operations or required local effort for the purpose of determining such local school division's composite index of local ability-to-pay, if so requested by the local school board.

HB563 (O'Quinn) School Construction Matching Grant Fund and Program; established; funding sources. Establishes the School Construction Matching Grant Fund and Program for the purpose of awarding matching grants on a competitive basis to local school boards that demonstrate poor school building conditions, commitment, and need, based on certain enumerated factors, in order for such local school boards to fund the construction of new public school buildings in the local school division. The bill permits the Board of Education to transfer sums from the Literary Fund to the School Construction Matching Grant Fund and for the Department of Education to use such sums to provide matching grants pursuant to the Program.

HB608 (Bourne) and SB276 (Stanley) School boards; unexpended local funds; capital projects. Permits any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year. The bill is a recommendation of the Commission on School Construction and Modernization. ***HB608 (Bourne) was left in House Education. SB276 (Stanley) was incorporated in SB481 (McClellan).**

AMERICAN OVERSIGHT
VA-22-0316-A-000851

HB1100 (LaRock) and SB603 (Stanley) Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. Requires the Board of Education (the Board) to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022. This bill is a recommendation of the Commission on School Construction and Modernization.

SB37 (Norment) Sales tax; additional local tax for schools. Adds Isle of Wight County to the list of localities that, under current law, are authorized to impose an extra one percent local sales tax. Revenue from the tax may be used only for constructing or renovating schools.

SB117 (Newman) K-12 funding. Provides that for any year in which there is a surplus, the Governor shall include in his proposed budget an appropriation of five percent of such surplus for the operational costs of local school divisions. The bill provides for an equivalent decrease in the amount of operational costs funded by the Lottery Proceeds Fund and an equivalent increase in the amount of funds in the Fund restricted exclusively for local school divisions' capital construction and renovation costs. If the restricted amount is equal to or greater than the amount in the Fund, the increases and decreases are no longer required under the bill. ***SB117 was incorporated in SB473 (McClellan).**

SB238 (McPike) Department of Education; school division maintenance reserve tool. Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill requires the Department of Education to consider converting or using as a template the Department of General Services' M-R FIX tool to meet the above requirement to maintain such a tool. This bill is a recommendation of the Commission on School Construction and Modernization. ***The companion bill, HB252 (Simonds), was left in House Education.**

SB298 (Deeds) and HB545 (Hudson) Additional local sales and use tax to support schools. Adds the City of Charlottesville to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.

SB472 (McClellan) Additional local sales and use tax to support schools. Authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools. Under the bill, the tax can only be imposed if it is initiated by a resolution of the local governing body and approved by the voters in a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed, and revenue from the tax is required to be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax. Under current law, only Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, and the City of Danville are authorized to impose such a tax. ***The companion bills, HB531 (Hudson) and HB1099 (LaRock), were left in House Finance.**

AMERICAN OVERSIGHT
VA-22-0316-A-000852

SB473 (McClellan) Department of Education; School Construction Fund and Program; Gaming Proceeds Fund revenues. Establishes the School Construction Fund as a special nonreverting fund in the state treasury and requires the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities. The bill provides that three percent of any fiscal year's budget surplus shall be appropriated to the School Construction Fund and Program. The bill also provides that any remaining revenues not appropriated by the Gaming Proceeds Fund shall be appropriated to the School Construction Fund and Program. Under current law, any remaining revenues in the Gaming Proceeds Fund not appropriated remain in the Fund until appropriated by the General Assembly for programs established to address public school construction, renovations, or upgrades. ***The companion bill, HB254 (Simonds), was left in House Appropriations.**

TRANSPORTATION

HB113 (March) Public school buses; decals; "In God We Trust" and "One Nation Under God." Permits local school boards, notwithstanding any regulation to the contrary, to display on the sides and rear of public school buses decals containing the motto "In God We Trust" or the phrase "One Nation Under God", provided that no such decal obstructs the name of the school division or the number of the school bus.

HB313 (Krizek) Public school buses; seat belts. Requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2040, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

HB452 (Bennett-Parker) Public school buses; display of advertising; hiring of school bus drivers in the local school division. Permits any local school board, notwithstanding any regulation to the contrary, to display decals, posters, and stickers on the sides and rear of school buses advertising the hiring of school bus drivers in the local school division, provided that the local school board is responsible for the cost of such decals, posters, and stickers and that no such decal, poster, or sticker obstructs the name of the school division or the number of the school bus.

LEARNING AND INSTRUCTIONAL MATERIAL

CAREER AND TECHNICAL EDUCATION

HB1064 (Brewer) and SB628 (Stanley) Public School Trades Incentive Fund and Program; established. Establishes the Public School Trades Incentive Fund (the Fund) and the Public School Trades Incentive Program (the Program) for the purpose of providing grants on a competitive basis from the Fund to any school board that seeks to (i) restore high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials or (ii) create or restore middle school programs that encourage and recruit students to participate in high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials. The bill requires the Department of Education to administer the Program and to establish such rules and procedures relating to applications and awards as it deems appropriate, provided that the Department considers and gives appropriate weight to certain criteria for grantees. The bill permits any grantee to use Program funds for equipment, curriculum development, or instructor training. The bill requires each grantee to longitudinally track students who complete any program for which the school board received funds in order to determine the effectiveness of the (a) new or restored middle school programs in recruiting students to participate in restored high school programs and (b) restored high school programs in matching students with high-paying jobs in the fields in which they are certified or credentialed.

AMERICAN OVERSIGHT
VA-22-0316-A-000853

HB718 (Filler-Corn) and SB661 (Lucas) Virginia Board of Workforce Development; powers and duties; collaboration to develop apprenticeship program. Directs the Virginia Board of Workforce Development to assist the Governor in collaborating with the Department of Education and the Secretaries of Labor, Education, and Commerce and Trade to develop and administer an office that shall serve as the primary office for apprenticeship programs. The Department of Education and the Secretaries of Labor, Education, and Commerce and Trade shall rely on data from the Office of Education and Labor Market Alignment in developing apprenticeship programs that are based on high-demand industry needs.

FAMILY LIFE EDUCATION

HB785 (LaRock) Family life education curriculum guidelines; human reproduction; viewing of ultrasound video recording. Requires the instruction on human reproduction contained in the Board of Education's family life education curriculum guidelines to include the viewing of a video recording of an ultrasound of a live unborn human in the uterus.

HB789 (LaRock) Family life education programs; student participation; summaries. Prohibits any public elementary or secondary school student from participating in any family life education program without the prior written consent of his parent. The bill requires the summary that is required to be posted and distributed to parents for each such program to include contact information for the individual or office responsible for maintaining printed and audio-visual program materials.

HB1023 (Guzman) Certain family life education curricula; optional instruction on human trafficking. Permits any family life education curriculum offered by a local school division before high school to incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of human trafficking of children.

HB1347 (LaRock) Family life education instruction; school year time limit. Requires each school board that offers a family life education curriculum to limit instruction delivered to students pursuant to such curriculum to one hour per school year in each grade level.

GENERAL CURRICULUM AND INSTRUCTIONAL MATERIAL

HB533 (Batten) Public elementary and secondary schools; agreements to establish opportunity classrooms. Requires each school board to enter into an agreement, upon request, with a public elementary or secondary school teacher or a group of such teachers in a local school division who represents more than 20 students to establish an opportunity classroom, which the bill defines as a classroom in which a curriculum in English, mathematics, science, history and social science, and any other subject area, as set forth in such agreement, is offered that is different than any curriculum that is otherwise offered in such subject areas in the local school division. The bill permits each school board to enter into such agreement for an opportunity classroom if the requesting teacher or group of teachers represents fewer than 20 students. The bill contains requirements for such agreements to establish opportunity classrooms and provisions relating to funding for opportunity classrooms and for services, transportation, and assessments for students who are enrolled in an opportunity classroom.

HB781 (Williams) Public elementary and secondary schools; student citizenship skills; certain instructional policies prohibited; parental rights; disclosures; penalties; other remedies. Requires the Board of Education to incorporate into each relevant Standard of Learning and associated curriculum framework a requirement that each student demonstrate the understanding of, among other concepts, the fundamental moral, political, and intellectual foundations of the American experiment in self-government, as well as the history, qualities, traditions, and features of civic engagement in the United States. The bill prohibits any public school teacher or other instructional staff member from being required to discuss any current event or widely debated and currently controversial issue of public policy or social affairs and provides that any such employee who chooses to discuss any such event or issue in the scope of his instructional duties shall, to the best of his ability, strive to explore

AMERICAN OVERSIGHT
VA-22-0316-A-000854

such issues from diverse and contending perspectives, without giving deference to any one perspective. The bill prohibits the Board and Department of Education and each local school board from teaching, instructing, or training certain individuals and groups, including teachers and students, to support, believe, endorse, embrace, confess, act upon, or otherwise assent to a divisive concept, as defined in the bill, or penalizing or discriminating against any such individual or group for refusing to do so. The bill also prohibits any school board or employee thereof from teaching or incorporating into any course or class any such divisive concept or creating a position or hiring a consultant with the job title of equity director or diversity director or a substantially similar title and with a job description that includes any activity that would result in a violation of a provision of the bill. The bill further declares that the parent of each student enrolled in a public elementary or secondary school has the right to be aware of all curricula, instructional materials, lessons, and other forms of instruction provided to his child and may request that the student's teacher provide any such item for review. Finally, the bill provides that in the event that a local school board finds that a school board employee has persistently, knowingly, and intentionally violated any of the bill's provisions, the parent of any student affected by such violations may request and the local school board shall provide a voucher in an amount equal to all sums from any source that the local school board received for the education of such student and the parent shall use such voucher to provide for the education of his child in any setting set forth in relevant law.

HB786 (LaRock) Board of Education; policy on certain instructional material and related academic activities; annual parental notification; replacement or alternative material and activities; local compliance. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) annually notify the parent of any student enrolled in a class or course in which the instructional material or related academic activities includes or may include sexually explicit content, as defined in the bill, or content that depicts sexual misconduct, as defined in the bill; (ii) permit the parent of any student to review instructional material that includes sexually explicit content or content that depicts sexual misconduct, upon request; and (iii) provide, as a replacement or an alternative to instructional material and related academic activities that include sexually explicit content or content that depicts sexual misconduct, instructional material and related academic activities that do not include sexually explicit content or content that depicts sexual misconduct to any student whose parent so requests.

HB787 (LaRock) Training or instruction on certain concepts in public elementary and secondary education; declaration as unlawful and discriminatory practice. Declares it an unlawful and discriminatory practice for any local school board or employee or contractor thereof to train or instruct any individual on any divisive concept, as defined in the bill, for the purpose of promoting and encouraging such individual to adopt or believe such concept. The bill requires the Department of Education to establish model policies for the prevention of such unlawful and discriminatory practice and each local school board to adopt policies that are consistent with but may be more comprehensive than the model policies established by the Department.

HB946 (Wampler) Board of Education; local school boards; public notice and comment regarding certain materials. Requires the Board of Education (the Board), in order to provide appropriate opportunity for input from the general public, parents, teachers, and local school boards, to solicit public comment prior to revising, adopting, or approving any Standards of Learning resource guide or curriculum framework, list of recommended textbooks in any Standards of Learning academic subject, textbook, instructional aid or material, or required or recommended reading list. The bill requires the Board to publish notice of its intended action at least 30 days prior to soliciting public comment, provide interested parties reasonable opportunity to be heard and present information prior to final action of the Board, and make such materials available for public inspection at least 30 days prior to final revision, adoption, or approval, as the case may be. Under current law, such requirements for public input apply only to the adoption or revision of Standards of Learning resource guides and lists of recommended textbooks in any Standards of Learning academic subject. The bill also requires the Board to establish minimum standards for local school boards to provide appropriate opportunity for input from the general public, parents, and teachers by soliciting public comment prior to revising,

AMERICAN OVERSIGHT
VA-22-0316-A-000855

adopting, or approving any curriculum, textbook, instructional aid or material, or required or recommended reading list. The bill requires each local school board to comply with such minimum standards, which are required to include opportunities for public input that are substantially similar to those that are required to be provided by the Board.

HB1032 (LaRock) Superintendent of Public Instruction and local school boards; standards for certain public school library materials; parental review of library and other educational materials. Requires the Superintendent of Public Instruction to develop and distribute to each local school board and each such school board to enforce throughout the local school division mandatory statewide standards for evaluating, classifying, and removing from any public elementary or secondary school library any explicit material. The bill also permits the Office of the Attorney General to enforce compliance with such standards in any local school division. The bill also establishes means and processes for the review of education materials and the review and approval of library materials by parents, including requiring the parents of all students who attend a public elementary or secondary school to comprise the Parental Review and Approval Committee for such school and requiring such Committee to review and vote to approve or disapprove of each item on a list of proposed library materials distributed to it by the school.

HB1068 (Cordoza) and SB570 (Kiggans) Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited. Requires each public elementary or secondary school principal to ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, as that term is defined in the bill, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity. ***These are Governor's bills.**

HB1126 (Avoli) Public education; parental rights; access to certain facilities and accommodations; instructional content; bullying. Declares that the parent of any student enrolled in a public elementary or secondary school in the Commonwealth has the right to (i) obtain and review any educational material and curriculum utilized in any class or course in which the student is enrolled; (ii) opt his child out of any class or course activity, lesson, or reading assignment or the use of any audiovisual material or library book to which the parent objects; (iii) easily access a list of the title and author of each book in each classroom and each library in the school in which the student is enrolled; (iv) receive notice of and attend any public meeting of the school board governing the local school division in which the student is enrolled; (v) review the annual school division budget and expenditures; (vi) send his child to attend school in a safe environment; and (vii) be updated by the school principal on any violent activity in the school in which the student is enrolled. The bill requires each school board to adopt policies to require each student and school board employee to have access to restrooms, locker rooms, and other changing facilities in public school buildings that are shared only by members of the same biological sex; lodging accommodations during school-sponsored trips that are shared only by members of the same biological sex; and a single-user restroom, locker room, or other changing facility in a public school building, upon request, if the school can reasonably accommodate such a request. The bill also prohibits any school board employee or individual who provides any school-sponsored program from teaching or promoting to any student or school board employee the concept that (a) any race is inherently superior or inferior; (b) any individual is racist, privileged, oppressive, biased, or responsible for actions committed by others of the same race or skin color by virtue of the individual's race or skin color; (c) the United States is fundamentally racist; or (d) market-based economics is inherently racist. The bill finally requires each school board to implement policies and procedures to educate school board employees about bullying and the need to create a school environment in which all individuals are treated with dignity and respect and any incident of bullying is taken seriously and handled in a robust manner.

HB1272 (Batten) and SB739 (Dunnavant) Public elementary and secondary schools and public school-based early childhood care and education programs; student instruction; masks; emergency. Requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the bill, to

AMERICAN OVERSIGHT
VA-22-0316-A-000856

each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill permits, notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, to elect for such child to not wear a mask while on school property. The bill provides that no parent making such an election shall be required to provide a reason or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. The bill requires each local school division to comply with the foregoing provisions relating to masks no later than March 1, 2022. The bill clarifies that none of the foregoing provisions shall be construed to affect the authority granted to the Governor to achieve the purposes of relevant emergency services and disaster law with regard to a communicable disease of public health threat. SB739 contains an emergency clause. ***These are Governor's bills. SB739 (Dunnavant) has already been signed and enacted per its emergency clause.**

SB275 (DeSteph) Public school libraries; printed and audiovisual materials; selection, evaluation, checkout, and removal procedures. Requires each local school board to adopt policies that address the selection and evaluation of all printed and audiovisual materials purchased by, donated to, or otherwise made available to the school division that will be available to students in school libraries and requires such policies to contain clear procedures for (i) parental involvement in and a reasonable opportunity for public comment before the selection and evaluation of printed and audiovisual materials that will be available to students in school libraries; (ii) mandatory prior written parental consent before a student is permitted to check out from the school library any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law; and (iii) the removal from the school library of any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law.

SB656 (Dunnavant) Board of Education; policy on sexually explicit instructional material. Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request, and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests. ***These are Governor's bills. The companion bills, HB1007 (Scott) and HB1009 (Durant), were left in House Education and Senate Education and Health, respectively.**

GOVERNOR'S SCHOOLS

HB127 (Davis) Academic year Governor's Schools; certain practices prohibited and permitted. Prohibits any academic year Governor's School or governing board member, director, administrator, or employee thereof from discriminate against any individual or group on the basis of race, sex, color, ethnicity, or national origin in the process of admitting students to such school. Each local school board that jointly manages and controls a regional academic year Governor's school shall collaborate to ensure that each public middle school that is eligible to send students to attend such Governor's school offers coursework, curriculum, and instruction that is comparable in content and in rigor in order to provide each student in each such middle school with the opportunity to gain admission to and excel academically at such Governor's school. ***This is a Governor's bill.**

HB486 (Subramanyam) Thomas Jefferson High School for Science and Technology; admissions requirements. Requires the Thomas Jefferson High School for Science and Technology academic year Governor's School in Fairfax County to annually admit for first-time enrollment as freshmen at least 100 students who reside in the Loudoun County school division.

AMERICAN OVERSIGHT
VA-22-0316-A-000857

LITERACY

HB319 (Coyner) and SB616 (Lucas) Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research. Makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking initial licensure with an endorsement in a certain area, including as a reading specialist, to demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the bill; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each school board to establish a divisionwide literacy plan; and (iv) each local school board to provide a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024-2025 school year. ***These are Governor's bills.**

HB418 (Delaney) Public elementary and secondary education; at-risk add-on funds; Reading Recovery. Removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.

OTHER

HB340 (Davis) Board of Education; high school graduation; alternative pathways to the advanced studies diploma; associated diploma seals. Directs the Board of Education to establish pathways to the advanced studies high school diploma, and associated diploma seals for students who successfully follow and demonstrate excellence on such pathways, that require advanced coursework in career and technical education in lieu of world language courses or any other required course that the Board deems appropriate. The bill requires such pathways and diploma seals to become effective for the 2023-2024 school year and to be available to any student, regardless of the school year during which the student enters ninth grade.

HB1108 (Rasoul) Public schools; instruction concerning gambling. Requires instruction concerning gambling and the addictive potential thereof to be provided by the public schools as prescribed by the Board of Education.

HB1246 (Tran) Public elementary and secondary schools; students; digital tools; accessibility. Requires the Department of Education to convene a work group to provide input and recommendations to the Department of Education, the Board of Education, and the General Assembly no later than November 1, 2022, regarding (i) ways in which school divisions can effectively identify and receive responsive and responsible bids from vendors to procure digital tools, including online platforms, courses, digital applications, information and communication technology services, and digital content, that comply with the federal accessibility standard and (ii) any statutory or regulatory changes that may assist school divisions to procure such digital tools that comply with such standard.

AMERICAN OVERSIGHT
VA-22-0316-A-000858

HB1215 (Ransone) Physical education; public safety training. Requires any physical education class offered to students in grades seven and eight to include at least one hour of public safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training, social media education, and self-defense tactics training.

HB1299 (Coyner) and SB738 (Morrissey) Department of Education; State Council of Higher Education for Virginia; instruction concerning post-graduate opportunities for high school students. Requires the Department of Education to collect and distribute to public schools and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The bill directs the Department to annually collect and compile such information in consultation with the State Council of Higher Education for Virginia and any other entity that can assist the Department with collecting and compiling such information and to update its distribution materials accordingly each year. The bill requires the Department to post and distribute the information to school boards, with any relevant updates, no later than October 1 each year and requires each school board to ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program as described in the bill.

SB78 (Norment) Board of Education; driver education programs; parent/student driver education. Requires the Board of Education to include the requirement for an additional minimum 90-minute parent/student driver education component in its driver education program for all public school divisions. Under current law, the parent/student driver education component is required for Planning District 8 (Northern Virginia) and optional in all other school divisions.

SB384 (Dunnavant) Department of Education; Statewide Learning Management System established. Directs the Department of Education to establish the Statewide Learning Management System (VaLMS). The VaLMS shall be available to each public school in the Commonwealth. The bill allows school boards to utilize the VaLMS as an alternative to a multidivision online provider in the provision of virtual school programs.

STEM+C

HB217 (Simonds) Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board; STEM and Computing (STEM+C); review federal occupational categories; report. Requires the Virginia STEM Education Advisory Board (the Board) to (i) review the occupational categories in the U.S. Bureau of Labor Statistics' standard occupational classification system to determine the occupational categories that are not properly captured in the Commonwealth's existing STEM+C workforce profile and the gaps in the Commonwealth's tracking of careers in these occupational categories for the purpose of better aligning K%9616 education priorities and the Board's tracking and coordination of STEM+C and (ii) share its findings with the Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment (the Office) to include in the Office's efforts to specifically align STEM+C workforce and education. The bill requires the Board, in conducting such review, to focus on occupational categories such as advanced manufacturing, agriculture, financial systems, health care, military, and K12 education careers that are not currently tracked or categorized by the U.S. Bureau of Labor Statistics as STEM+C career fields. The bill also requires the Board to submit its findings and any recommendations to the General Assembly no later than October 1, 2022.

HB221 (Davis) and SB239 (Hashmi) STEM+C; Virginia STEM Education Advisory Board. Adds science, technology, engineering, mathematics and computing (STEM+C), which includes real-world, interdisciplinary, and computational instruction and preparation of students in STEM+C, to the list of topics that shall be included in the Standards of Learning for the Commonwealth. The bill also directs

AMERICAN OVERSIGHT
VA-22-0316-A-000859

the Virginia STEM Education Advisory Board to develop and submit to the Board of Education (i) a rubric that shall be used by the Board of Education in setting out what factors permit a school to be defined as a STEM school and (ii) recommendations for the Board to create a measurement for quality of STEM programming in general education instruction. The bill also directs the Virginia STEM Education Advisory Board to draft and report to the Department of Education proposed common language and terminology that better defines the basic literacies employed in STEM+C as methodological approaches to solving universal human challenges and, as essential, generalizable and transferable literacy toward the application of skills and content needed to solve those challenges. The bill also directs the Department of Education, based on such proposed language and terminology and no later than December 1, 2022, to recommend finalized language and terminology to the Board of Education.

HB362 (Subramanyam) Department of Education; local school boards; instruction on climate change. Requires the Department of Education, in collaboration with environmental groups and other relevant state agencies such as the Department of Environmental Quality and the Department of Health and to assist local school boards in the implementation of programs of instruction that comply with the requirements relating to the Standards of Learning, specifically relating to citizenship and environmental issues and geography necessary for responsible participation in American society and the international community, to develop, no later than July 1, 2023, an interdisciplinary program of instruction on the causes of and potential solutions for climate change. The bill requires each local school board to incorporate, during the 2024-2025 school year, such program of instruction into curricula and instruction in the local school division in each core academic subject area at the grade levels that it deems most appropriate. The bill requires the Department of Education to implement and oversee a one-year pilot program to provide training and technical assistance to a diverse cross section of local school boards to implement such program of instruction in the local school division during the intervening 2023-2024 school year between the development and full local implementation of such program of instruction.

HB636 (Carr) Virginia student environmental literacy; plan; grant fund and program. Requires the Board of Education, in consultation with the Department of Environmental Quality, the Department of Health, any other stakeholder that it deems appropriate, and the public, and in order to assist each local school board in developing and implementing a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning and emphasizes environmental literacy as an essential skill and concept of citizenship that is necessary for responsible participation in American society and in the international community, to establish and update at least once every five years a Virginia student environmental literacy plan (the plan) that (i) prepares students to understand, analyze, and address the major environmental challenges facing the Commonwealth and the United States; (ii) provides field experiences as part of regular school curricula and creates programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition; and (iii) creates opportunities for the enhanced and ongoing professional development of teachers that improves teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom. The bill requires the plan to include a description of (a) how the Board will measure the environmental literacy of students, including relevant Standards of Learning and related curricula and courses or subjects where environmental education instruction will be integrated throughout grades kindergarten through 12 curricula, and the relationship of the plan to the high school graduation requirements established by the Board; (b) programs for the professional development of teachers to improve teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom; and (c) how the Board will implement the plan, including securing funding and other necessary support. The bill establishes the Virginia Student Environmental Literacy Plan Grant Fund and Program, to be administered by the Department of Education, for the purpose of awarding grants on a competitive basis to any local school board that seeks assistance to initiate, expand, or improve teacher professional development opportunities or student environmental education programs that align with the content and objectives of the plan.

AMERICAN OVERSIGHT
VA-22-0316-A-000860

HB1026 (Guzman) Superintendent of Public Instruction; establishment of the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council. Requires the Superintendent of Public Instruction to establish and appoint no more than 12 members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (the Council), including at least one of each of the following: teacher, librarian, representative of a parent-teacher organization who is the parent of a school-age child, school administrator, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill requires the Council to (i) develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media literacy of all students in the local school division; (ii) develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students in public elementary and secondary schools; (iii) design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe, ethical, and responsible use of media and technology by students and teachers; and (iv) submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2023. The bill has an expiration date of July 1, 2024.

SB261 (Hashmi) Virginia STEM Education Advisory Board; comprehensive review of labor statistics categories; report. Directs the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board (the Board) to perform a comprehensive review of U.S. Bureau of Labor Statistics categories within the standard occupational classification system and assess deficit areas that do not capture Virginia's existing STEM+C (Computing) workforce profile for the purpose of better aligning K-12 and higher education priorities. The Board shall report its findings to the Virginia Economic Development Partnership Authority Office of Education and Labor Market Alignment and the Chairmen of the House Committee on Communications, Technology and Innovation and the Senate Committee on General Laws and Technology no later than October 1, 2022.

LOCAL SCHOOL BOARDS AND DIVISIONS

HB18 (Fowler) Appointed school board members; salaries. Permits any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in relevant law or as provided by charter, with certain exceptions and conditions. Current law sets a specific maximum dollar amount for the salary of members of each such appointed school board.

HB466 (Subramanyam) Register of volunteer cybersecurity and information technology professionals. Directs the Secretary of Administration to establish a register of cybersecurity and information technology professionals interested in volunteering to assist localities and school divisions, in collaborating on workforce development, and in providing mentorship opportunities.

HB650 (Kory) School boards; school consolidation and redistricting and pupil assignment; access to advanced academic programs. Requires a school board to demonstrate in advance that the consolidation of schools, redistricting of school boundaries, or adoption of a pupil assignment plan will maintain or increase equitable student access to advanced academic programs.

HB688 (Kory) School boards; production of public records; fee schedules. Requires each school board to develop and post or otherwise make publicly available a fee schedule governing charges for the release of public records to be used by each school within its school division when responding to requests for public records pursuant to the Virginia Freedom of Information Act. The bill requires such fee schedule to be based on the most recent estimate of the aggregate costs incurred by each school within a school board's division in accessing, duplicating, supplying, or searching for requested public records. Finally, the bill provides that a school board shall review and update the fee schedule at least annually.

AMERICAN OVERSIGHT
VA-22-0316-A-000861

HB977 (McGuire III) Public elementary and secondary education; school boards and employees; promotion of diversity and respect. Requires each local school board and employee thereof to promote (i) diversity and respect, with the understanding that all individuals are created equal and diversity is a strength of the United States, and (ii) the concept that all cultures have contributed greatly to the rich history of the United States and the way of life that Americans enjoy today. The bill prohibits any local school board or employee thereof from training, teaching, or promoting to enrolled students or school board employees the concept that (a) any race is inherently superior or inferior to any other race; (b) any individual, by virtue of his race or skin color, is inherently racist, privileged, or oppressive, whether consciously or unconsciously; (c) any individual, by virtue of his race or religion, bears responsibility for the actions committed by other members of his race or religion; (d) any individual's moral character is determined by his race; (e) the United States is a fundamentally or systemically racist country; or (f) capitalism is an inherently racist economic system.

HB1138 (Reid) Loudoun County School Board; staggering of member terms; lot drawing; timeframe. Requires the lot drawing required to be conducted by the Loudoun County Electoral Board to determine the members of four of nine districts who will be elected to the Loudoun County School Board for four-year terms and the members of the remaining five districts who will be elected to the Loudoun County School Board for two-year terms to ensure the staggering of member terms for such school board to be conducted at the electoral board's first meeting of 2023 but no later than January 31, 2023.

HB1284 (Taylor) School boards; method of selection; election required. Requires election as the method of selecting the members of each school board in the Commonwealth. Current law requires such members to be appointed but permits their election under certain circumstances.

SB724 (Pillion) School boards; broadband; annual report. Requires each school board to submit an annual report to the Virginia Department of Education and the Virginia Department of Housing and Community Development that lists each student's 9-1-1 address that does not have broadband service, as defined by the Federal Communications Commission, to the home beginning in the fall of 2022 through the 2025 school year.

MISCELLANEOUS

HB246 (Kilgore) and SB596 (Pillion) School attendance; 4-H educational programs and activities. Provides that students who miss a partial or full day of school while participating in 4-H educational programs and activities shall not be counted as absent for the purposes of calculating average daily membership and shall receive course credit in the same manner as they would for a school field trip. The bill directs each local school board to develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs and activities to not be counted absent.

HB1022 (Guzman) Certain public elementary and secondary school students; excused absences; attendance at pow wow. Provides that, subject to guidelines established by the Department of Education, any student who is a member of a state-recognized or federally recognized tribal nation that is headquartered in the Commonwealth and who is absent from school to attend such tribal nation's pow wow gathering shall be granted an excused absence.

HB1164 (Runion) Composite index of local ability-to-pay; use value of real estate in certain localities. Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.

AMERICAN OVERSIGHT
VA-22-0316-A-000862

HB1352 (Bell) Private elementary and secondary schools; retaliation for good faith reports of child abuse or neglect prohibited. Prohibits any private elementary or secondary school from retaliating in any manner against any individual who in good faith reports child abuse or neglect as mandated by relevant law.

SB421 (Edwards) Libraries and education services; obsolete provisions. Revises and repeals obsolete provisions in Title 22.1 (Education) related to early childhood education and elementary and secondary education and Title 42.1 (Libraries) related to libraries and the Virginia Public Records Act. The bill also makes technical amendments. This bill is a recommendation of the Virginia Code Commission.

SB662 (Lucas) Department of Education; School Quality Profiles; teacher data. Requires the Department of Education to include on each School Quality Profile data on teachers' race and proficiency in any language other than English.

SCHOOL HEALTH AND NUTRITION

SCHOOL HEALTH

HB215 (Robinson) and SB62 (Favola) School Health Services Committee; report. Establishes the School Health Services Committee to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The bill requires the Committee to submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year. The bill has an expiration date of July 1, 2025.

HB915 (Orrock) Required immunizations; regulations. Provides that a parent, guardian, or person standing in loco parentis of each child in the Commonwealth shall cause such child to be vaccinated in accordance with the Regulations for the Immunization of School Children of the State Board of Health (the Board) and that regulations of the Board setting forth such requirements shall be subject to the Administrative Process Act. Currently, a parent, guardian, or person standing in loco parentis of a child shall cause such child to be vaccinated in accordance with the Immunizations Schedule developed and published by the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices, American Academy of Pediatrics, and American Academy of Family Physicians, and any regulations of the Board setting forth requirements related to vaccines are exempt from the Administrative Process Act.The bill also provides that no regulation of the Board of Health setting forth requirements related to vaccines shall become effective until after the next regular session of the General Assembly following the date on which the final adopted regulation is published in the Virginia Register of Regulations."

HB1036 (LaRock) Local school boards; requirement for students to wear masks or other face coverings; evidentiary substantiation. Prohibits any local school board from requiring any student enrolled at a public elementary or secondary school in the local school division to wear a mask, face covering, or other covering of the student's nose and mouth at school, on a school bus, or at a school-sponsored activity unless the local school board substantiates such requirement with evidence that (i) such requirement is necessary to suppress a nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health; (ii) no reasonable alternatives to such requirement exist in light of the impact on quality of life and economic well-being; and (iii) such requirement is narrowly tailored to address the nuisance dangerous to the public health or the communicable, contagious, or infectious disease or other danger to the public life and health.

SB431 (Dunnavant) Board of Education; COVID-19; test-to-stay guidelines. Requires the Board of Education, in collaboration with the Department of Health, to (i) recommend as best practice the shortest duration of quarantine possible, as recommended by the Centers for Disease Control and Prevention, for students and employees at public schools who contract COVID-19 and (ii) develop test-to-stay guidelines for such schools and recommend such guidelines to schools for use as an alternative

AMERICAN OVERSIGHT
VA-22-0316-A-000863

to quarantine for students and employees who contract COVID-19. The bill also provides that all guidelines established pursuant to the bill shall be immediately distributed to local school boards and shall reflect the most updated recommendations from the Centers for Disease Control and Prevention to limit the amount of time out of the classroom to be as short as possible, including no quarantine, as recommended for asymptomatic individuals who have been fully vaccinated either within six months or have a boosted vaccination status. The bill contains an emergency clause.

SB704 (Kiggans) Superintendent of Public Instruction; school health services information; survey. Requires the Superintendent of Public Instruction to, at least annually, survey all local school divisions and use such data to strengthen the comprehensive availability of school health services information. The bill provides that information to be collected in the survey shall include: (i) staffing levels of school health personnel, (ii) the prevalence of students with chronic health conditions, (iii) the percentage of students with health services written in their records, (iv) the number of visits to the school health office and dispositions, (v) health services provided by each school, and (vi) any other information deemed appropriate. The bill requires each local school division to complete each survey.

SCHOOL NUTRITION

HB583 (Roem) Public elementary and secondary school students; ability to pay for meals and school meal debt; extracurricular school activities. Requires each school board to adopt policies that prohibit the school board or any school board employee from denying a student the opportunity to participate in any extracurricular school activity because the student cannot pay for a meal at school or owes a school meal debt.

HB587 (Roem) School Breakfast Program and National School Lunch Program; processing of applications. Requires each public elementary or secondary school to process each web-based or paper-based application for participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within five working days after the date of receipt of the application.

SCHOOL SAFETY AND DISCIPLINE

HB4 (Wyatt) and SB36 (Norment) School principals; incident reports. Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. The bill provides, as an exception to the requirement to report any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity, that a principal is not required but may report to the local law-enforcement agency any such incident committed by a student who has an individualized education plan. ***These are Governor's bills. HB59 (McGuire III), HB308 (Ransone), SB613 (Stanley), and SB287 (DeSteph) were incorporated in the HB4 (Wyatt) and SB36 (Norment), respectively.**

HB8 (Anderson) School security officers; scope of employment; certain veterans. Provides that each school security officer, in addition to performing each enumerated duty, is responsible for carrying out any other duty assigned to him by the local school board. The bill permits any local school board or private or religious school to employ as a school security officer any veteran who has served a minimum of 10 years as an active duty member in the Armed Forces of the United States, received an honorable discharge or general discharge under honorable conditions from such service, and meets the Department of Criminal Justice Services' minimum certification and training requirements for school security officers.

HB12 (Anderson) Public school buildings; entry points; limits; screening. Requires each local school board to (i) limit to the lowest feasible number the entry points in each public school building in the local school division, (ii) ensure that each individual who seeks to enter any school building in the local

AMERICAN OVERSIGHT
VA-22-0316-A-000864

school division is screened with a handheld metal detector wand by a school security officer or another appropriate school board employee who is appropriately trained in such method of screening, (iii) require each such school security officer or other appropriate school board employee to implement further screening according to a protocol that it deems appropriate in any case in which the school board employee who conducts the initial screening has reason to believe that the individual who seeks to enter the school building is in possession of a weapon, and (iv) prohibit any individual from entering any school building in the local school division if the individual fails or refuses to submit to the screening required in clauses (ii) and (iii).

HB37 (Anderson) School boards; school resource officers; employment; threat assessment. Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public middle and high school in the local school division and at least one school resource officer per five public elementary schools in the local school division, who is required to serve in each such elementary school on a rotating basis. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school.

HB89 (Walker) Disorderly conduct in public places. Removes the provision that any instance of disorderly conduct by an elementary or secondary school student which occurred on the property of any elementary or secondary school, on a school bus as defined in § 46.2-100, or at any activity conducted or sponsored by any elementary or secondary school be excluded from the disorderly conduct in public places.

HB741 (Bell) Annual public elementary and secondary school safety audits; creation or review of school building floor plans required. Requires each local school board, as part of each annual school safety audit, to create a detailed and accurate floor plan for each public school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate but provides that such floor plan may be withheld from public disclosure.

HB863 (Reid) Local law enforcement; certain reports to school principals and division superintendents; form and scope. Requires local law-enforcement authorities to report in writing, and the principal or his designee and the division superintendent to receive each such report, on (i) any suspected offense, offense for which any charge has been filed, or offense that is subject to investigation, that was committed by a student enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving certain enumerated incidents, and (ii) whether the student is released to the custody of his parent or, if 18 years of age or older, is released on bond. Current law does not require such reports to be in writing and only applies to student offenses but does not specify whether such reports are required to be made for student offenses that are suspected, charged, or subject to investigation.

HB873 (Greenhalgh) Public elementary and secondary schools; threat assessment team membership; law-enforcement liaison for certain school administrators. Requires, in the case of any public elementary or secondary school in which a school resource officer is employed, the threat assessment team for such school to include at least one such school resource officer. The bill requires the chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer to designate a law-enforcement officer to receive, either in-person or online, the school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with relevant law and requires such officer to serve as the law-enforcement liaison for the school administrator in such a school who has also received such training as prescribed by relevant law.***This is a Governor's bill. As introduced, SB415 (DeSteph) was the companion bill and failed to report from Senate Education and Health.**

AMERICAN OVERSIGHT
VA-22-0316-A-000865

HB985 (Anderson) School principals; incident reports; violent offenses. Requires that school principals report to law enforcement any felony offenses and violent offenses enumerated in the bill that may constitute a criminal offense. Under the bill, principals have discretion to report certain non-violent crimes to law enforcement. Under current law, principals are required to make such reports to law enforcement only for such acts that may constitute a felony offense.

HB1125 (Anderson) School boards; parental notification of certain threats, behavior, and unlawful acts; panic alarms. Requires, within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing, each division superintendent to notify the parent of each student enrolled in the relevant school of such threat, threatening or aberrant behavior, or unlawful act. The bill requires each school board to equip each public elementary and secondary school building in the local school division with at least one panic alarm that adheres to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories, and is installed by a licensed and qualified professional. The bill defines "panic alarm" as a silent security system by which the user manually activates a device that sends a non-audible signal to the local law-enforcement agency that indicates a school security emergency, including a non-fire evacuation, lockdown, or active shooter situation, that requires immediate response and assistance from such agency.

HB1129 (Taylor) and SB600 (Pillion) School safety audits; law-enforcement officers. Requires each local school board to require its schools to fully collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. Under current law, the division superintendent is required to make the results of such audits available to the chief law-enforcement officer upon request, and his approval is not needed. The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee. Current law requires that the completed walk-through checklist be made available to the chief law-enforcement officer or his designee upon request. ***These are Governor's bills and have been signed by the Governor.**

HB1315 (Anderson) School boards; parental notification of certain threats, behavior, and unlawful acts. Requires division superintendents to notify the parent of each student enrolled in the relevant school of a threat, threatening or aberrant behavior, or unlawful act within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing.

SPECIAL EDUCATION AND THE CHILDREN'S SERVICES ACT

HB547 (Hudson) Department of Education; statewide strategic plan; speech-language pathologists. Requires the Department to develop and maintain a statewide strategic plan for recruiting and retaining speech-language pathologists that, at a minimum, (i) analyze data to determine the specific staffing needs of local school divisions on an ongoing basis; (ii) evaluates the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for speech-language pathologists, and the expansion of speech-language pathologist mentorships; and (iii) estimates the costs of implementing each such strategy, including the extent to which federal funds could be used to support implementation. The bill requires the Department, no later than November 1 of each year, to update the Chairmen of the Senate Committee on Education

AMERICAN OVERSIGHT
VA-22-0316-A-000866

and Health and the House Committee on Education on its progress in implementing such plan. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also directs the Department of Education and the Board of Education, in consultation with each local school board, to (a) examine the caseloads and compensation of speech-language pathologists in each local school division, (b) compare such caseloads and compensation to those of speech-language pathologists in contiguous states, and (c) make recommendations to the Governor and the General Assembly no later than November 1, 2022, for such amendments to relevant law and the general appropriations act as may be necessary to effectuate a reduction in caseloads and increase in compensation that would facilitate stronger recruitment and retention of speech-language pathologists in public elementary and secondary schools in the Commonwealth.

HB649 (Carr) and SB265 (Hashmi) Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report. Requires the Department of Education, in coordination with the Department for the Deaf and Hard-of-Hearing, to (i) select, with input from an advisory committee that the bill establishes, language developmental milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

HB1047 (Tran) Students who need or use augmentative and alternative communication; instruction; eligibility; staff training. Provides that no student who needs or uses augmentative and alternative communication (AAC), which the bill defines as any device, tool, support, or service, or any combination thereof, that facilitates any form of communication, other than oral speech, that can be used to express thoughts, needs, wants, and ideas, shall be denied the opportunity for inclusion in regular classrooms or the provision of age-appropriate instruction on the basis that such student may require support with AAC. The bill prohibits any individualized education program team, member of such team, or school division employee from utilizing the results of any intelligence quotient test or any other test to measure intelligence or cognitive ability to determine a student with a disability's eligibility to be provided with and use AAC at school. The bill requires each school division to document on the individualized education program of a student with a disability who needs or uses AAC, beginning prior to the provision of instruction or support to the student, including any extended school year period, the student's AAC and communication access and support needs, including, as appropriate, individualized training as an assistive technology service for each school division employee or contractor who provides instruction or direct support to such student, to support the student's use of AAC and to ensure that curricula and instruction are designed or adapted as necessary to accommodate the student's unique communication access needs.

SB356 (Stuart) Children's Services Act; special education programs. Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.

AMERICAN OVERSIGHT
VA-22-0316-A-000867

STANDARDS OF QUALITY

HB829 (Wilt) School counselors; staffing ratios; flexibility. Permits school boards to fulfill the staffing ratio requirements for school counselors by (i) employing, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, entering into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training.

HB1124 (Guzman) and SB156 (Hashmi) Public schools; English language learners. Requires state funding to be provided to support, in the 2022-2023 school year and thereafter, a new divisionwide ratio of English learner students in average daily membership to full-time equivalent teaching positions of 22 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

SB490 (McClellan) Standards of Quality; principals; assistant principals. Requires each school board to provide at one principal per school and one assistant principal per 500 students in each elementary, middle, and high school. ***SB490, as introduced, included all of the Board of Education's 2021 prescriptions to the Standards of Quality. The companion to the introduced version of SB490, HB1135 (Bourne), was left in House Appropriations.**

STUDIES

HJ19 (Greenhalgh) Study; Department of Education; purpose and goals of public education; report. Requests that the Department of Education study the purpose and goals of public education by encouraging input from the citizens of the Commonwealth, including parents, teachers, school administrators, and local school board members, to clarify (i) the broader purpose of public education in light of the fundamental goal of public education, as expressed by the General Assembly and the Board of Education, and (i) the specific measurable outcomes that education laws, regulations, policies, and practices should help to achieve in order to further such broader purpose and such fundamental goal.

HJ84 (Guzman) Study; Department of Education; root causes of public school bus driver shortages and working conditions of public school bus drivers in the Commonwealth; report. Requests that the Department of Education, with the assistance of each local school board, to study the root causes of public school bus driver shortages and the working conditions of public school bus drivers in the Commonwealth by (i) administering to each public school bus driver in each local school division in the Commonwealth and as many former public school bus drivers as is feasible a survey to determine the level of satisfaction with and the need for improvement to the working conditions of public school bus drivers in the Commonwealth, (ii) analyzing such survey data and such other information and data as it deems necessary and advisable, including information from other states and school districts contained therein that have had success in addressing public school bus driver shortages by addressing working conditions, and (iii) making recommendations for statutory, regulatory, or budgetary changes that may contribute to the improvement of the working conditions of public school bus drivers.

AMERICAN OVERSIGHT
VA-22-0316-A-000868

SJ10 (Surovell) Study; joint subcommittee to study pandemic response and preparedness in the Commonwealth; report. Establishes a joint subcommittee to study pandemic response and preparedness in the Commonwealth. In conducting its study, the joint subcommittee is tasked with examining existing laws in the Commonwealth and developing recommendations regarding the pandemic response and future needs of the Governor, the General Assembly, local governments, public and private health care systems and other facilities and providers, health districts, the judicial system, K-12 and higher education systems, and the business regulatory system.

STUDENT SERVICES

HB988 (Wyatt) and SB20 (Hackworth) Treatment of transgender students; model policies. Eliminates the requirement that each school board adopt policies that are consistent with the model policies developed by the Department of Education concerning the treatment of transgender students in public elementary and secondary schools. The bill also removes the requirement for such model policies to include information, guidance, procedures, and standards relating to the use of school facilities, requires the Department to amend its model policies to remove any such information, guidance, procedures, or standards, and requires the Department to make such amended model policies available to each school board no later than the beginning of the 2022-2023 school year. *SB20 does not include the provision to amend the model guidance related to facilities.

HB1034 (Ransone) Department of Education; school boards; guidelines for the provision of counseling services in public schools. Requires the Department of Education to develop and each local school board to adhere to guidelines for the provision of counseling services in public schools, which shall include (i) provisions for parental consent; written parental notification; parental involvement, as appropriate; and confidentiality; (ii) procedures by which a parent may limit or prohibit his child's participation; (iii) appropriate exceptions to the procedures by which a parent may limit or prohibit his child's participation such as imminent need, health, or safety or maintaining order in the school; and (iv) any other provision deemed necessary by the Department.

HB1124 (Anderson) Board of Education; school boards; codes of student conduct; contents. Requires the Board of Education's guidelines and model policies for codes of student conduct to include a requirement that any code of student conduct is enforced and any student behavioral intervention or disciplinary method or measure is utilized in a fair, proportional, unbiased, and neutral manner, for the sole purpose of maintaining safe learning environments, and with full and sole consideration of the student's behavior and with no consideration of any individual immutable characteristic of the student such as the student's sex or race. The bill requires each school board to establish and continuously maintain a system of fair, proportional, unbiased, and neutral student behavioral intervention and discipline and prohibits any school board from establishing or maintaining any system of student behavioral intervention or discipline, including positive behavioral interventions and supports or any substantially similar disciplinary method, that targets or differentiates student behavioral interventions or disciplinary methods or measures based on any factor other than the student's behavior.

TEACHER EDUCATION AND LICENSURE

HB230 (Coyner) and SB154 (Locke) Applications for teacher licensure by reciprocity; military spouses; timeline for determination. Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application

AMERICAN OVERSIGHT
VA-22-0316-A-000869

packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet.

HB236 (Orrock) Board of Education; authority to temporarily extend certain teachers' licenses. Permits the Board of Education to grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its statutory authority whose license expires on June 30, 2022, in order to provide the individual with sufficient additional time to complete the requirements for licensure renewal. This bill has an emergency clause.

HB419 (Delaney) Institutions of higher education; education preparation programs; coursework; audit. Requires each education preparation program offered by a public institution of higher education or private institution of higher education that provides training for any student seeking initial licensure by the Department of Education to (i) include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction and require such program of coursework and the student mastery required to be demonstrated therein to be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent literacy experts and stakeholders with knowledge of science-based reading research and evidence-based literacy instruction that has reviewed the relevant regulations and (ii) for any such student seeking initial licensure by the Department of Education as a teacher with an endorsement in early childhood, elementary education, or special education or with an endorsement as a reading specialist ensure that reading course work and field practice opportunities are a significant focus of the education preparation program. The bill requires the Department of Education to audit at least once every seven years each education preparation program for compliance with such requirements.

HB979 (Tran) and SB68 (Favola) Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States. Requires the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who holds a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license.

TEACHER EMPLOYMENT AND COMPENSATION

HB9 (Ware) and SB178 (Peake) Public school teachers; probationary term of service, grounds for dismissal, and dismissal hearings. Permits each school board to extend for up to two additional years the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing.

HB271 (Byron) Local school boards and comprehensive community colleges; compensation structure for adjunct instructors; noncredit workforce credentials. Requires local school boards and comprehensive communities colleges to enter into local or regional agreements for the establishment and implementation of a competitive compensation structure to recruit and retain adjunct instructors to be jointly compensated by the relevant school boards and colleges to prepare both high school students and college students to earn noncredit workforce credentials, as that term is defined in relevant law.

HB363 (Frietas) Certain school board employees; dismissal; grounds; continuing contract study; report. Prohibits school board employees who are not required to hold a valid license issued by the Board of

AMERICAN OVERSIGHT
VA-22-0316-A-000870

Education and public school teachers from being dismissed based on a last-hired, first-fired dismissal policy or any other similar policy that mandates that, when considering more than one such employee for dismissal, the seniority of each such employee shall be the sole determinative factor in the dismissal decision. The bill also requires the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health, in consultation with local school boards, to study and make recommendations to the General Assembly no later than November 1, 2022, regarding effective, alternative ways in which the performance of teachers may be evaluated for the purpose of awarding or rescinding continuing contract status.

HB371 (Convirs-Fowler) Licensed school board employees; cultural competency training; bullying of Asian American and Pacific Islander students. Requires the Board of Education's guidance on cultural competency training for licensed school board employees to include a model curriculum for cultural competency training relating to the bullying of Asian American and Pacific Islander students and requires such model curriculum to be incorporated into the biennial cultural competency training required for licensed school board employees.

HB440 (VanValkenburg) School boards; teachers; planning time and planning periods. Requires each local school board to ensure that each elementary school teacher is provided an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day, which shall be at least 45 minutes or one class period, whichever is longer. The bill permits local school boards and teachers to enter into an appropriate contractual arrangement providing for compensation in lieu of such planning time or period. Under current law, public elementary school teachers are guaranteed at least an average of 30 minutes of planning time per school day during a school week.

HB535 (Clark) Teacher compensation; at or above national average. Requires that public school teachers be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a 4.5 percent annual increase for public school teacher salaries, effective from the 2023-24 school year through the 2027-28 school year. The bill has a delayed effective date of July 1, 2023.

HB581 (VanValkenburg) Local school boards; teacher career ladder compensation programs. Requires each local school board to establish a teacher career ladder compensation program (program) whereby each rung on the ladder corresponds to a specific teacher career and compensation level as determined by the local school board. The bill requires each local school board to design and implement its own program, provided, however, that each program shall include the following principles and components: (i) each teacher shall provide increasing levels of student academic progress as measured by objective criteria before the teacher progresses to the next rung of the ladder; (ii) each teacher shall demonstrate improvement in teaching skills before the teacher progresses to the next rung of the ladder; (iii) each teacher shall assume additional teaching and other responsibilities such as curriculum development, team teaching, mentoring, and professional development activities before the teacher progresses to the next rung of the ladder; (iv) the local school board is responsible for providing teachers in the program with appropriate professional growth and development opportunities; and (v) the local school board shall ensure that equal pay is provided to teachers in the program who are performing at the same level. The bill provides that teacher participation in a teacher career ladder compensation program is optional and any teacher may opt to be compensated pursuant to the local school board's standard salary scale.

HB1005 (Guzman) Public school teachers; continuing contract; resignation. Declares a public school teacher employed after completing the probationary period to be entitled to a continuing contract whereby the contract continues in effect for the ensuing year in conformity with local salary stipulations, including increments, provided, however, that such teacher may be dismissed for any cause set forth in relevant law and in accordance with the procedures set forth in relevant law. Current law declares any such teacher to be entitled to such a continuing contract during good

AMERICAN OVERSIGHT
VA-22-0316-A-000871

behavior and competent service. The bill requires a public school teacher who seeks to resign from a continuing contract (i) for the ensuing school year to give written notice of such resignation on or before June 15 of the current school year or (ii) in effect for the current school year or for the ensuing school year after June 15 of the current school year to request release from the contract at least two weeks in advance of intended date of resignation and requires such request to be in writing and to set forth the cause of resignation. Current law requires written notice of noncontinuation of a continuing contract by either party to be given by June 15 of each year and permits a teacher to resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent if the teacher requests release from the contract in writing at least two weeks in advance of the intended date of resignation and sets forth the cause of resignation. The bill also provides that if the school board has not authorized the division superintendent to approve resignations of teachers with continuing contracts, the school board shall decide whether to accept or reject the resignation of such a teacher.

HB1093 (Batten) Public elementary and secondary education; school boards and employees; cultural competency training; evaluations. Requires the evaluation of each public school teacher and principal and division superintendent to include an evaluation of cultural competency if the relevant local school board has adopted and implemented policies to require cultural competency training. Under current law, such an evaluation of cultural competency is required and not conditioned upon any such action of the local school board. The bill permits any school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board of Education to complete cultural competency training, in accordance with guidance issued by the Board of Education, at least every two years, but only after providing 30 days' advanced written notice of and holding a public hearing regarding the adoption and implementation of such policies. Current law requires such cultural competency training and makes no provision for such notice and public hearing.

HB1110 (Maldonado) Local school boards; grievance procedure for certain employees; timing of resolution of certain disputes. Requires each local school board's grievance procedure for school board employees, except the division superintendent, principals, assistant principals, teachers, supervisors, and other employees required to be licensed by the Board of Education, to afford a timely and fair method of the resolution of disputes arising between the school board and such employees before dismissal or other disciplinary actions, excluding suspensions. Current law requires such grievance procedures to afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding, but not before, dismissal or other disciplinary actions, excluding suspensions.

SB157 (Hashmi) Competitive compensation for certain positions in public elementary and secondary schools. Declares it the goal of the Commonwealth that its public school teachers and all other individuals employed in Standards of Quality-funded positions be compensated at a rate that is competitive, defined as at or above the national average salary for the position, in order to attract and keep highly qualified individuals in such positions. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a five percent annual pay increase for each such position, effective from the 2023-24 school year through the 2027-28 school year, provided that such five percent annual pay increase (i) is subject to a local matching requirement in accordance with each local school board's composite index of local ability-to-pay and (ii) shall be adjusted annually as necessary to account for rebenchmarking and to yield a rate of compensation percentage increase for all Standards of Quality-funded positions that is pegged to providing a competitive average teacher salary in the Commonwealth. The bill has a delayed effective date of July 1, 2023.

AMERICAN OVERSIGHT
VA-22-0316-A-000872

TAX CREDITS, VOUCHERS, AND SAVINGS PROGRAMS

HB201 (Webert) In-person instruction; education vouchers; emergency. Requires, in the event that any school board does not provide the option of in-person instruction as the sole method of instruction for any enrolled student, the parent of any such student who withdraws his child from attendance to receive, upon request, an education voucher in an amount equal to a prorated share of the applicable Standards of Quality per-pupil state funds appropriated for public school purposes and apportioned to the school division, including the per-pupil share of state sales tax funding in basic aid and any state per-pupil share of special education funding for which the child is eligible, to cover the expenses of providing in-person instruction in an alternative setting. The bill permits the Department of Education to establish rules, regulations, or procedures for the issuance of such education vouchers. The bill contains an emergency clause.

HB293 (Frietas) Education Savings Account Program; establishment. Establishes the Education Savings Account Program (the Program), to be administered by the Department of Education (the Department) with assistance from each local school board, whereby the parent of any elementary or secondary school student who (i) is a member of a household whose annual income does not exceed two times the annual household income that would qualify the student for free or reduced-price lunch and (ii) was eligible to attend a public school in the Commonwealth in the preceding semester or is starting elementary or secondary school in the Commonwealth for the first time is eligible to receive an education savings account, for as long as the student is of school age and the amount of which is determined pursuant to a calculation set forth in the bill, to cover certain enumerated educational expenses for his child. The bill requires the Department to establish rules and regulations for the Program and contains conditions, limitations, and other requirements for the Program, including provisions relating to the accountability and educational autonomy of individuals and entities receiving account funds to cover qualified expenses.

HB294 (Frietas) Education improvement scholarship tax credits; eligible students in need of a safer school environment. Declares eligible for a scholarship from a scholarship foundation that receives an education improvement scholarship tax credit, on the same basis as any other eligible student, eligible students in need of a safer school environment, defined in the bill as any student who, while enrolled in a public elementary or secondary school in kindergarten through grade 12, was the victim of assault, battery, bullying, harassment, hazing, kidnapping, or robbery on school property, on a school bus, or at a school-sponsored activity, as substantiated by an investigation and written report by the school principal. The bill provides that (i) eligible students in need of a safer school environment are permitted to use such scholarships to cover the expenses associated with attending another public school within or outside of his school division of residence and (ii) there are no family income restrictions on scholarships for eligible students in need of a safer school environment.

HB333 (Frietas) Public education; student education accounts. Permits any school board to establish a program to create savings accounts for students to be used for alternative educational programs. The bill requires the Department of Education to establish policies and procedures under which the parent of each student may use such funds on public or private educational programs.

HB784 (LaRock) Home instruction and private school tax credit. Creates an individual, nonrefundable income tax credit for taxable years 2022 through 2026, for amounts paid by the parent or legal guardian of a child for the child's home instruction expenses or tuition for attending an accredited private school in Virginia. The credit shall equal the lesser of the amount actually paid in the taxable year for such costs or half of the average state standards of quality funding per student per year. The credit may be taken for instruction-related materials, courses, or programs used in home instruction or for private school tuition. The credit is available for two years per child and can be carried forward for five taxable years.

AMERICAN OVERSIGHT
VA-22-0316-A-000873

HB788 (LaRock) Education Improvement Scholarships Tax Credits program. Increases from 65 percent to 75 percent the tax credit for the value of the monetary or marketable securities donation made by a taxpayer to an eligible scholarship foundation.

HB982 (Scott) Education Savings Account Program established; Education Improvement Scholarships Tax Credits. Establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2022–2023 school year. The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is $25 million, and removes individual minimum and maximum required donation amounts. The bill raises the threshold for students to qualify for scholarships to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, 1,200 percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a Virginia resident and eligible to enroll in a Virginia primary or secondary school. Current law restricts eligibility to certain categories of students. The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2022.

HB1024 (LaRock) Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

HB1025 (LaRock) Parental Choice Education Savings Accounts established. Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

SB16 (Hackworth) Income tax; Education Improvement Scholarships Tax Credits. Increases the aggregate annual cap on the Education Improvement Scholarships Tax Credits from $25 million to $50 million, increases the value of the credit from 65 percent to 80 percent, and removes the credit's current sunset of January 1, 2028. ***Incorporated into SB27 (Ruff).**

AMERICAN OVERSIGHT
VA-22-0316-A-000874

SB27 (Ruff) Income tax credits; Neighborhood Assistance Program and Education Improvement Scholarships. Makes several amendments to expand the availability of the Neighborhood Assistance Program (NAP) and Education Improvement Scholarships Tax Credits (EISTC). The bill increases the limit on NAP credits approved by the Department of Education (DOE) from $9 million to $25 million. When added to the current limit of $8 million of NAP credits approved by the Department of Social Services (DSS), the overall limit on NAP credits would be $33 million. The bill makes decisions of DOE and DSS regarding the qualification of a scholarship foundation or the awarding of tax credits subject to judicial appeal; currently, such decisions are final. The bill provides that the annual allocation of tax credits among neighborhood organizations shall not rely solely on the amount of credits awarded in the previous year. For the EISTC, the bill allows certified public accountants to receive tax credits for donations of accounting services to scholarship organizations. The bill also authorizes scholarship foundations, which are the sole recipient of funding from the issuance of EISTC, to receive funding for scholastic assistance, defined in the bill as counseling or supportive services. Under current law, scholarship foundations may receive EISTC funding only for the purpose of providing scholarships.

SB709 (DeSteph) Education improvement scholarships tax credits; sunset. Removes the sunset of taxable years beginning on or after January 1, 2028, for the tax credit for donations to certain scholarship foundations and removes the sunset for changes to the definition of an eligible student with a disability and certain income guidelines that were set to expire beginning with taxable years beginning on or after January 1, 2024. ***Incorporated into SB27 (Ruff).**

AMERICAN OVERSIGHT
VA-22-0316-A-000875

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/3/2022 10:13:18 AM
To: "Jennifer Aulgur" <jennifer@markobenshain.com>
Cc:
Subject: Re: Quick questions -- guidelines

Hi Jenni -

I apologize for the delay in following up with you on this one! I was able to speak to our early childhood team who indicated that there are no mandatory requirements for licensed child day program facilities with respect to COVID-19 guidance. The Virginia Department of Health has issued guidelines but these are not mandatory and at the discretion of the provider.

I will also note that Governor Youngkin's Executive Order Number Two (2022) and Order of Public Health Emergency One, which rescinded the public health order requiring masking of children in public and private school settings, is only applicable to any child in an elementary or secondary school or a school-based early child care and educational program. It states that "the parents of any child enrolled in an elementary or secondary school or a school based early child care and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program."

Child day centers and family day homes are not subject to EO2 as these children are not enrolled in a school or school based program. Child day centers may establish their own operational policies and we have advised these providers to consult with the local health department regarding best practices.

I hope this responds to the request. Please let me know if there is anything more we can provide!

On Fri, Jan 28, 2022 at 10:47 AM Jennifer Aulgur <jennifer@markobenshain.com> wrote:
> Thank you!
>
> Jennifer B. Aulgur
> Legislative Assistant
> Senator Mark Obenshain
> 420 Neff Avenue, Suite 130
> Harrisonburg, VA 22801
> 540.437.1451 office
> jennifer@markobenshain.com
>
> On Thu, Jan 27, 2022 at 8:39 AM Sale, Leslie <leslie.sale@doe.virginia.gov> wrote:
> > Hi Jenni -
> >
> > Thank you for reaching out! I have touched base with our early childhood team to make sure I'm sharing the most up-to-date information on guidance. I will follow up soon but did want to confirm receipt.
> >
> > In the interim, let me know if there if anything else I can provide!
> >
> > Thank you,
> >
> > Leslie
> >
> > On Wed, Jan 26, 2022 at 1:16 PM Jennifer Aulgur <jennifer@markobenshain.com> wrote:
> > > Hi Leslie,
> > >
> > > Hope all is well! We had a constituent reach out to our office regarding Covid guidelines for pre-schools. Does VDOE guidance cover pre-schools?
> > >
> > > The individual was questioning whether her child could go maskless to pre-school (it's run by a church). The operators said they have to follow VDOE guidelines or they will lose their license. I'm just trying to ascertain if pre-schools not run by public schools still fall under you guys? And, if so, do they have separate guidelines or different guidelines than public schools as it relates to Covid?
> > >
> > > Many thanks for any guidance you can provide.
> > >
> > > Thanks,
> > > Jenni
> > >
> > > Jennifer B. Aulgur
> > > Legislative Assistant
> > > Senator Mark Obenshain
> > > 420 Neff Avenue, Suite 130
> > > Harrisonburg, VA 22801
> > > 540.437.1451 office
> > > jennifer@markobenshain.com
> >
> > --
> >
> > LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
> > OFFICE OF POLICY
> > VIRGINIA DEPARTMENT of EDUCATION
> > 804.371.0558 | leslie.sale@doe.virginia.gov
>
> --
>
> LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
> OFFICE OF POLICY
> VIRGINIA DEPARTMENT of EDUCATION
> 804.371.0558 | leslie.sale@doe.virginia.gov

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/23/2022 1:49:42 PM
To: "Harris, Christine" <christine.harris@doe.virginia.gov>
Cc: "Brown, Christonya (DOE)" <christonya.brown@doe.virginia.gov>
Subject: Re: Recognizing Virginia's Judeo-Christian heritage in public education

---

Hi Christine -

I don't have much context for this one but I think your read of the resolution is correct. This seems to me to be more of a ceremonial gesture and meant to recognize the importance of and history behind the First-Landing Festivals. This resolution did not require any action on the part of the Department. Unfortunately, I couldn't find anything else in our General Assembly files that offered any more insight but I hope this is somewhat of a help.

Let me know if there is anything else I can provide on this one!

Thank you,

On Tue, Feb 22, 2022 at 3:42 PM Harris, Christine <christine.harris@doe.virginia.gov> wrote:

> Leslie,
> Just doing our homework before a meeting about a resolution in the House from 2017. What does this mean for Code and action for VDOE with Standards including information? We assume this would be just public comment and not required action since it only passed in the House and not directing VDOE to take any action. Please advise-
> Thank you.
> Christine
>
> Dr. Christine A. Harris
>
> Director, Office of Humanities
> Virginia Department of Education
> Sign up for weekly email updates from TeacherDirect
> P.O. Box 2120
> Richmond, VA 23218-2120
> Voice: (804) 786-3925
> Fax: (804) 786-1597
> E-mail: christine.harris@doe.virginia.gov
> CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under Virginia's Freedom of Information Act. Please consider the environment before printing this email.*
>
> ---------- Forwarded message ---------
> From: **Jennings, Laura** <laura.jennings@doe.virginia.gov>
> Date: Tue, Feb 22, 2022 at 3:04 PM
> Subject: Re: Recognizing Virginia's Judeo-Christian heritage in public education
> To: Christine Harris <christine.harris@doe.virginia.gov>
>
> Christine,
>
> I hope this email finds you well. Elizabeth has asked me to reach out to you regarding this meeting request (see emails below). Could you please give me a call when you get a chance. I can be reached at 804-786-5834 or my cell, 804-514-3609.
>
> Thank you,
>
> Laura Jennings
>
> Virginia Department of Education
>
> PO Box 2120 | Richmond, VA 23218-2120
>
> O: 804.786.5834 | C: 804.297-6434
>
> On Sat, Feb 19, 2022 at 8:09 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
>
> > Yes, under Michael there is Christine who is Director of Humanities then Christonya is History and Social Science Coordinator, and two more under her that do history and social studies.
> >
> > On Fri, Feb 18, 2022 at 10:34 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
> >
> > > Laura:
> > > Does he want to meet in person or can we have a phone call?
> > > I think it is ok to schedule the latter, but think a call should include staff...
> > >
> > > Dicky, what do you think, Humanities and Assessment personnel?
> > > Elizabeth
> > >
> > > **Elizabeth L. Schultz**
> > > **Assistant State Superintendent of Public Instruction**
> > > Virginia Department of Education
> > > 101 North 14th Street
> > > Richmond, Virginia 23219
> > > 804-658-6043
> > > elizabeth.schultz@doe.virginia.gov
> > >
> > > CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*
> > >
> > > On Fri, Feb 18, 2022 at 10:44 AM Jennings, Laura <laura.jennings@doe.virginia.gov> wrote:
> > >
> > > > Good morning. Mr. Walker called this morning and would like to set up a meeting with you to discuss his email below. Let me know how you would like to proceed.

AMERICAN OVERSIGHT

Happy Friday!
Laura

---------- Forwarded message ---------
From: **Rodney Walker** <walkerprof1@gmail.com>
Date: Fri, Feb 18, 2022 at 10:27 AM
Subject: Fwd: Recognizing Virginia's Judeo-Christian heritage in public education
To: <laura.jennings@doe.virginia.gov>

---------- Forwarded message ---------
From: **Rodney Walker** <walkerprof1@gmail.com>
Date: Fri, Jan 21, 2022 at 8:03 PM
Subject: Recognizing Virginia's Judeo-Christian heritage in public education
To: <Elizabeth.Schultz@doe.virginia.gov>, Rodney Walker <walkerprof1@gmail.com>

Dear Elizabeth Shultz:

I haven't met you yet, but I'd like to say Congratulations! It is such an encouragement to see you and other members of the Youngkin transition team take your places. My name is Rodney Walker and I'm an African American U.S History teacher, professor and author. But what's more I also initiated and collaborated with Jason Miyares over a bill which turned out to become House Resolution (HR#297) recognizing the Judeo-Christian heritage of our commonwealth (please see attached bill).

The purpose of my contacting you is to seek your input about academic recognition of our Judeo-Christian heritage in Virginia state history books aligned with Standards of Learning (SOL) U.S History I and II. Thankfully, the Critical Race Theory has been uprooted from our schools, but it has left a vacuum which I fear may result in a free-for-all of various new alternative theories regarding our state's history. I see this in the classroom already.

If you look at HR#297 it's easy to note that there are nine or so key events which reflect upon the Judeo-Christian heritage of our state. Each one of these events can easily be made into a chapter of a book for supplemental reading. One can even see traces of our Judeo-Christian heritage in our state constitution's bill of rights which clarifies in Section #16: ***"it is the mutual duty of all to practise Christian forbearance, love, and charity toward each other."***

Presently, I am finishing an historic book under a contract with Amazon, but I would very much like to discuss the possibilities of completing supplemental reading material aligned for SOL U.S History I and II regarding the Judeo-Christain heritage of our commonwealth. It is time for this. The purpose would not be to preach, or proselytize but to inform and enlighten.

Please kindly advise concerning the best way forward for this undertaking. Again, congratulations, and I'm looking forward to the policy changes initiated by our governor's executive orders.

Rodney Walker
(757) 409-0082

HOUSE RESOLUTION NO. 297
Recognizing the influence of Christian heritage in Virginia.

Agreed to by the House of Delegates, January 24, 2017

WHEREAS, on April 26, 1607, a chartered expedition, subsidized by the Virginia Company to establish colonies on the coast of North America, disembarked upon the banks of Cape Henry, now Virginia Beach; and

WHEREAS, the Reverend Robert Hunt, the expedition's official cleric, and the members of the expedition erected a wooden cross in symbolic reference to the Christian faith, invoked a public prayer of dedication, and pledged that the Gospel message would be spread throughout the region and, from that region, abroad; and

WHEREAS, the ensuing Jamestown settlement was the site of the first public communion ceremony in Virginia, in the tradition of the Lord's Supper of the New Testament; and

WHEREAS, the Jamestown settlement was the first permanent English colony in North America and included a recognized church wherein Christian worship, teachings, and baptisms were conducted in accordance with the Gospel message, as exemplified by the baptism of Pocahontas, a member of the Powhatan tribe of Native Americans in the region; and

WHEREAS, the Judeo-Christian principles, as established in the Law of Moses and set forth from the earliest days of recorded history, of equality, human dignity, and equal protection under the law have provided an incalculable influence on law and thought throughout history, and in particular to our shared English common law tradition and Western civilization; and

WHEREAS, these same principles of equality, human dignity, and equal protection rooted in Mosaic law influenced America's foremost Civil Rights leaders, including the esteemed Virginia Civil Rights attorney and leader Oliver White Hill, Sr., whose own paternal grandfather founded Mount Carmel Baptist Church in Richmond, which the Hill family attended and where Oliver Hill attended Sunday school; he worked diligently, influenced by his Christian faith, to end racial discrimination and help end the doctrine of separate but equal; and

WHEREAS, according to the Pew Research Center, millions of Virginians, representing various denominations, identify as Christians, carrying on the faith traditions brought to North America by its first settlers; and

WHEREAS, thousands of churches in the Commonwealth continue to provide spiritual leadership and education; care for the poor, indigent, and homeless as commanded by the Gospel message; and conduct generous outreach in their communities; now, therefore, be it

RESOLVED by the House of Delegates, That the enormous influence of Christian heritage and faith throughout the Commonwealth's 400-year history be recognized; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to Rodney Walker and First-Landing Festivals, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the Virginia House of Delegates in this matter.

--

Laura Jennings

Virginia Department of Education

PO Box 2120 | Richmond, VA 23218-2120

Office: 804.786.5834 | Cell: 804.297-6434

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/2/2022 5:31:33 PM
To: "Erin St.Germain" <erin.lynn.st.germain@gmail.com>
Cc:
Subject: Re: Religious Exempt Child Day Center

Hi Ms. St. Germain -

I apologize for the delay in my reply. As you know, Governor Youngkin's Executive Order Number Two (2022) and Order of Public Health Emergency One rescinded the public health order requiring masking of children in public and private school settings. Executive Order Two (2022) is applicable to any child in an elementary or secondary school or a school based early child care and educational program. It states that "the parents of any child enrolled in an elementary or secondary school or a school based early child care and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program."

Child day centers and family day homes are not subject to Executive Order Number Two (2022) and Order of Public Health Emergency One as these children are not enrolled in a school or school based program. Child day centers may establish their own operational policies and we have advised these providers to consult with the local health department regarding best practices.

I hope this information is helpful. Please let me know if there is anything additional I can provide.

Thank you,

On Thu, Jan 27, 2022 at 4:12 PM Erin St.Germain <erin.lynn.st.germain@gmail.com> wrote:

> Hi,
>
> I'm so sorry to bother you, if you have a moment could you please let me know whether Youngkin's EO2 applies to Religious Exempt Child Day Centers?
>
> My daughter's church preschool is a "Religious Exempt Child Day Center" , and I have been told I cannot make my 3 year old exempt from their mask rule. According to the director, if she does not wear a mask she cannot attend school.
>
> Thank you,
> Erin

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 3/3/2022 10:22:41 AM
To: "Wallinger, Linda" <linda.wallinger@doe.virginia.gov>
Cc:
Subject: Re: Senate Ed This Morning

I know it! It'll be a light implementation year!

On Thu, Mar 3, 2022 at 9:15 AM Wallinger, Linda <linda.wallinger@doe.virginia.gov> wrote:

> Are you watching Senate Ed & Health this morning? Lots of PBIs!
>
> HB340 - Advanced Diploma
> HB511 - Home school students in sports
> HB787 - divisive concepts
> HB789 - family life education
> HB1024 - Parental Choice Ed Savings Acct
> HB1034 - School counseling
> HB1093 - cultural competency
>
> Linda
>
> *
> Linda M. Wallinger, Ph.D.
> Virginia Department of Education
> Office of Policy
> Linda.Wallinger@doe.virginia.gov

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/3/2022 11:42:49 PM
To: "Webb, Emily" <emily.webb@doe.virginia.gov>
Cc: "FOIA, rr" <foia@doe.virginia.gov>, "Leslie Sale" <leslie.sale@doe.virginia.gov>, "Ken Blackstone" <ken.blackstone@doe.virginia.gov>
Subject: Re: USA TODAY FOIA request VDOE 2.3.22

Thanks for carefully reviewing this one. It is large in scope.

On Thu, Feb 3, 2022 at 2:49 PM Webb, Emily <emily.webb@doe.virginia.gov> wrote:

Good afternoon Rebecca,

Thanks for your email. I don't have any emails, correspondence or documents pertaining to the email address helpeducation@governor.virginia.gov, nor have I sent anything to the Board related to this email address.

Please let me know if you have any questions.

Thanks,
Emily

On Thu, Feb 3, 2022 at 4:01 PM FOIA, rr <foia@doe.virginia.gov> wrote:

Good afternoon, Dicky and Emily:

I hope this message finds you all well. Please see the Virginia FOIA request we received this afternoon from a reporter with USA Today. This request is pretty broad and may require further review and discussion before moving forward.

At minimum, I plan to seek clarification from the reporter regarding the intended meaning of "and/or other personnel" noted in bullet number one. When you have a moment, I kindly request that you please review the below requested items and let me know if you identify any other items that require further clarification from the reporter in order to move forward with processing this request.

I really appreciate your help.

Best regards,
Rebecca W.

---------- Forwarded message ---------
From: **Miller, Ryan** <rwmiller@usatoday.com>
Date: Thu, Feb 3, 2022 at 12:12 PM
Subject: USA TODAY FOIA request VDOE 2.3.22
To: foia@doe.virginia.gov <foia@doe.virginia.gov>

Hi Ms. Askew,

Please see the attached PDF for my FOIA request. In brief, the request is seeking:

- Any and all emails and/or other records, including but not limited to any attachments and responses to the emails, sent to and/or sent by helpeducation@governor.virginia.gov (an email address created by the Virginia governor's office) and later forwarded and/or shared with Virginia Department of Education and/or Board of Education members, staff and/or other personnel between January 15, 2022, and the receipt of this public records request

- Any and all documents, policy papers, memos, presentations, reports and/or other similar records that pertain to how emails sent to and sent by helpeducation@governor.virginia.gov are to be shared with the Virginia Department of Education and/or Board of Education, if at all; are incorporated into Virginia Department of Education and/or Board of Education policy, if at all; and/or will affect statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all

- Any and all emails, correspondences and/or other records sent by Board of Education members and/or the Superintendent that pertain to the email address helpeducation@governor.virginia.gov; how emails sent to or sent by helpeducation@governor.virginia.gov are shared with the Virginia Department of Education and/or Board of Education; and/or how emails sent to or sent by helpeducation@governor.virginia.gov affect Virginia Department of Education and/or Board of Education policy or statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all

Please let me know if you have any questions or concerns regard this request.

Thanks,

Ryan Miller

Reporter, USA TODAY

Cell: (443) 990-1164

Twitter: @RyanW_Miller

AMERICAN OVERSIGHT

--

Emily V. Webb
Director, Office of Board Relations
Virginia Department of Education
Phone: (804) 225-2924
Email: emily.webb@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/7/2022 12:10:04 PM
To: "FOIA, rr" <foia@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Cc: "Emily Webb" <emily.webb@doe.virginia.gov>, "Leslie Sale" <leslie.sale@doe.virginia.gov>, "Ken Blackstone" <ken.blackstone@doe.virginia.gov>
Subject: Re: USA TODAY FOIA request VDOE 2.3.22

Approved.

On Thu, Feb 3, 2022 at 4:01 PM FOIA, rr <foia@doe.virginia.gov> wrote:

Good afternoon, Dicky and Emily:

I hope this message finds you all well. Please see the Virginia FOIA request we received this afternoon from a reporter with USA Today. This request is pretty broad and may require further review and discussion before moving forward.

At minimum, I plan to seek clarification from the reporter regarding the intended meaning of "and/or other personnel" noted in bullet number one. When you have a moment, I kindly request that you please review the below requested items and let me know if you identify any other items that require further clarification from the reporter in order to move forward with processing this request.

I really appreciate your help.

Best regards,
Rebecca W.

---------- Forwarded message ---------
From: **Miller, Ryan** <rwmiller@usatoday.com>
Date: Thu, Feb 3, 2022 at 12:12 PM
Subject: USA TODAY FOIA request VDOE 2.3.22
To: foia@doe.virginia.gov <foia@doe.virginia.gov>

Hi Ms. Askew,

Please see the attached PDF for my FOIA request. In brief, the request is seeking:

- Any and all emails and/or other records, including but not limited to any attachments and responses to the emails, sent to and/or sent by helpeducation@governor.virginia.gov (an email address created by the Virginia governor's office) and later forwarded and/or shared with Virginia Department of Education and/or Board of Education members, staff and/or other personnel between January 15, 2022, and the receipt of this public records request

- Any and all documents, policy papers, memos, presentations, reports and/or other similar records that pertain to how emails sent to and sent by helpeducation@governor.virginia.gov are to be shared with the Virginia Department of Education and/or Board of Education, if at all; are incorporated into Virginia Department of Education and/or Board of Education policy, if at all; and/or will affect statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all

- Any and all emails, correspondences and/or other records sent by Board of Education members and/or the Superintendent that pertain to the email address helpeducation@governor.virginia.gov; how emails sent to or sent by helpeducation@governor.virginia.gov are shared with the Virginia Department of Education and/or Board of Education; and/or how emails sent to or sent by helpeducation@governor.virginia.gov affect Virginia Department of Education and/or Board of Education policy or statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all

Please let me know if you have any questions or concerns regard this request.

Thanks,

Ryan Miller

Reporter, USA TODAY

Cell: (443) 990-1164

Twitter: @RyanW_Miller

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 3/2/2022 9:19:57 AM
To: "Pyle, Charles" <charles.pyle@doe.virginia.gov>
Cc:
Subject: Re: VCPE Update - EO2 & Masking

Thanks, Charles!

On Tue, Mar 1, 2022 at 5:43 PM Pyle, Charles <charles.pyle@doe.virginia.gov> wrote:
Scroll down.

Charles B. Pyle
Director of Media Relations
Virginia Department of Education
Charles.Pyle@doe.virginia.gov
(804) 371-2420
(804) 840-2117 mobile

---------- Forwarded message ---------
From: **Grace Creasey** <grace.creasey@vcpe.org>
Date: Tue, Mar 1, 2022 at 5:28 PM
Subject: Fwd: VCPE Update - EO2 & Masking
To: Pyle, Charles <charles.pyle@doe.virginia.gov>

Grace Turner Creasey, M.Ed.
Executive Director

Virginia Council for Private Education
P.O. Box 29255
Richmond, Virginia 23242
P: 804.423.6435
C: 804.514.2380
grace.creasey@vcpe.org

Have a question? Schedule a phone call or Zoom meeting with me via Calendly.

The contents of this message are solely for the use of the intended recipient. This message does not contain legal advice. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this message (and any attachment) is prohibited. If you have received this message in error, please promptly notify the sender and delete the original message.

---------- Forwarded message ---------
From: **VCPE Office** <office@vcpe.org>
Date: Tue, Mar 1, 2022 at 5:28 PM
Subject: Fwd: VCPE Update - EO2 & Masking
To: Grace Creasey <grace.creasey@vcpe.org>

Virginia Council for Private Education
P.O. Box 29255 | Richmond, Virginia 23242
804.423.6435 | office@vcpe.org | www.vcpe.org

The contents of this message are solely for the use of the intended recipient. This message does not contain legal advice. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this message (and any attachment) is prohibited. If you have received this message in error, please promptly notify the sender and delete the original message.

---------- Forwarded message ---------
From: **Virginia Council for Private Education** <office@vcpe.org>
Date: Wed, Feb 9, 2022 at 5:27 PM
Subject: VCPE Update - EO2 & Masking
To: VCPE Office <office@vcpe.org>



Virginia Council for Private Education
P.O. Box 29255
Richmond, Virginia 23242
office@vcpe.org

AMERICAN OVERSIGHT

UPDATE

EO 2 and Masks in Schools

VCPE is aware of the two recent court decisions relating to Executive Order 2 (EO 2) and masking in Virginia schools. The Arlington County Circuit Court heard a case brought by seven public school boards challenging the enforceability of EO 2. On Friday, that court issued a memorandum opinion concluding that the Governor, via his emergency powers, cannot override the decision of local school boards delegated to them under existing Virginia law (SB 1303).

The Supreme Court of Virginia heard a separate challenge to EO 2, that case brought by a group of City of Chesapeake Public Schools parents. On Monday, the Supreme Court of Virginia issued an order dismissing the parents' petition for procedural reasons. The court affirmatively stated that it was not ruling on the legality of EO 2 in its order.

Neither of these rulings offer clarity on masking requirements in Virginia's private schools. Schools are encouraged to continue to seek guidance from legal counsel in implementing and enforcing student masking policies.

VCPE is also monitoring bi-partisan legislation in General Assembly relating to mask mandates in schools, which as currently written, have *no impact on private schools*.

www.vcpe.org

Unsubscribe

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/25/2022 1:53:57 PM
To: "-, POLICY" <policy@doe.virginia.gov>
Cc:
Subject: Re: Private Schools - Mask Mandate Ban

Redacted pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

On Fri, Feb 25, 2022 at 12:41 PM -, POLICY <policy@doe.virginia.gov> wrote:

OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.225.2092 | policy@doe.virginia.gov

---------- Forwarded message ---------
From: **Constituent Services, rr** <constituentservices@doe.virginia.gov>
Date: Fri, Feb 18, 2022 at 1:10 PM
Subject: Fwd: Private Schools - Mask Mandate Ban
To: POLICY - <policy@doe.virginia.gov>

Constituent Services
Virginia Department of Education
101 N. 14th Street
PO Box 2120
Richmond, VA 23218-2120
constituentservices@doe.virginia.gov

---------- Forwarded message ---------
From: **Tony Attard** <tonyattard14@gmail.com>
Date: Thu, Feb 17, 2022 at 10:53 AM
Subject: Private Schools - Mask Mandate Ban
To: <constituentservices@doe.virginia.gov>

Hello,

I'm inquiring to request language in the bill pertaining to Governor Glenn Youngkin mask mandate ban applying to private schools be sent to me. Thank you.

Best,
Tony

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/19/2022 9:16:38 AM
To: "-, POLICY" <policy@doe.virginia.gov>
Cc: "Rebecca Askew" <rebecca.askew@doe.virginia.gov>, "Elizabeth Carlton" <elizabeth.morris@doe.virginia.gov>, "Rebecca Westfall" <rebecca.westfall@doe.virginia.gov>
Subject: Re: Private Schools - Mask Mandate Ban

Redacted pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

On Fri, Feb 18, 2022 at 1:19 PM -, POLICY <policy@doe.virginia.gov> wrote:

> Hi Leslie,
>
> I'm surprised that Constituent Services is forwarding this to Policy -- do we have something we can provide regarding private schools? I was still under the understanding that Constituent Services was fielding mask questions. I know SB739 has been signed, but I don't think that applies to private schools. So, I assume this would be related to the Executive Order?
>
> Thanks,
> Elizabeth
>
> OFFICE OF POLICY
> VIRGINIA DEPARTMENT ♥ F EDUCATION
> 804.225.2092 | policy@doe.virginia.gov
>
> ---------- Forwarded message ---------
> From: **Constituent Services, rr** <constituentservices@doe.virginia.gov>
> Date: Fri, Feb 18, 2022 at 1:10 PM
> Subject: Fwd: Private Schools - Mask Mandate Ban
> To: POLICY - <policy@doe.virginia.gov>
>
> Constituent Services
> Virginia Department of Education
> 101 N. 14th Street
> PO Box 2120
> Richmond, VA 23218-2120
> constituentservices@doe.virginia.gov
>
> ---------- Forwarded message ---------
> From: **Tony Attard** <tonyattard14@gmail.com>
> Date: Thu, Feb 17, 2022 at 10:53 AM
> Subject: Private Schools - Mask Mandate Ban
> To: <constituentservices@doe.virginia.gov>
>
> Hello,
>
> I'm inquiring to request language in the bill pertaining to Governor Glenn Youngkin mask mandate ban applying to private schools be sent to me. Thank you.
>
> Best,
> Tony

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 1/19/2022 11:03:05 AM
To: "rr Constituent Services" <constituentservices@doe.virginia.gov>
Cc:
Subject: Fwd: Until You Financially Support My Children You Don't Have the Right to Make Decision For Them!

I'm sure this one has already made it to your inbox, but resending just in case.

---------- Forwarded message ---------
From: **Beth-Ann Permuy** <bpermuy1@gmail.com>
Date: Tue, Jan 18, 2022 at 2:07 PM
Subject: Fwd: Until You Financially Support My Children You Don't Have the Right to Make Decision For Them!
To: <jillian.balow@doe.virginia.gov>, <emily.webb@doe.virginia.gov>, <jim.chapman@doe.virginia.gov>, <ken.blackstone@doe.virginia.gov>, <heidi.wilson@doe.virginia.gov>, <leslie.sale@doe.virginia.gov>, <rebecca.westfall@doe.virginia.gov>

Good afternoon. I am forwarding an email I sent to the [FERPA 20 U.S.C. §1232(g)] with the hopes of reaching as many ears as possible to help support the protection of our rights as parents. These are very trying times especially for our children and parents need to have the rights and the capabilities to make our own decisions on how to protect them physically, emotionally and mentally. It is us they will look back at and blame for choices we made or things we allowed that didn't protect their well being. It is us they will blame for any possible long term residual physical, social or mental side effects this may cause. It is our future relationship with our children that is at risk because of decisions we allowed certain entities to take away from us. A child looks to their parents for safety and security and to do what's best for them. If the schools and other entities don't allow us to do that then perhaps they will eventually feel we have failed them. Don't allow our children to feel as though we as their parent have failed them. Please allow us to do our jobs and let the educators do theirs. They are two very different things, they are not at all the same and should not be treated as such. I read something very interesting today that made a lot of sense..."the quicker I give up my rights, the quicker I will get them back
...said the person who never read a history book in their entire life.". I think as educators of our children it is a very important theory to acknowledge in the school system. Thank you for your time.
---------- Forwarded message ---------
From: **Beth-Ann Permuy** <bpermuy1@gmail.com>
Date: Tue, Jan 18, 2022, 10:59 AM
Subject: Until You Financially Support My Children You Don't Have the Right to Make Decision For Them!
To: <ac_coker@ccpsnet.net>, <dl_heffron@ccpsnet.net>, <dg_bailey@ccpsnet.net>, <rm_harter@ccpsnet.net>, <ks_haines@ccpsnet.net>, <Merv_Daugherty@ccpsnet.net>, <Joseph_Tylus@ccpsnet.net>, <wendell_roberts@ccpsnet.net>, <elke_gibbs@ccpsnet.net>

I am writing to you as a parent of [FERPA 20 U.S.C. §1232(g)] regarding the controversial lifting of the mask mandate. I am among many who complied with our previous governor's executive order regarding the mask mandate, although I strongly disagreed with it being in the best interest of my children. I put them through what I feel is borderline abuse and hated myself every day I sent them off to school in masks that made them anxious, depressed and restricted their freedom to breath fresh air, speak without restrictions and share any smile or laughter with others. I made them suffer through the [Redacted per Health Insurance Portability and Accountability Act (HIPAA) 42 U.S.C. § 1320(d)]. I realized that what I was considering was insanity and made me an even worse mother for considering doing that just so my children could continue to comply with your mask mandates. Do any of you have any idea what that feels like...to have your heart break daily as you watched your children leave for school each morning miserable. My children once loved going to school because they looked forward to learning new things and socializing with their friends and being in a happy environment, but you and our previous governor's mask mandates ripped that joy away from them. These restrictions have managed to destroy their excitement for education. In a sense it has taken away two years of their childhood, a childhood that was supposed to be full of smiles, laughter and excitement for learning new things. What is worse is me as a parent helped you do that to my children by forcing them to wear masks to comply with your rules and our previous governor's mask mandates. I have to live with that forever. This world is hard enough for our children and you are making it even harder, almost impossible to just be a child. A parent can't get these years back nor can we give these years back to them when everyone decides we can go back to normal. I did what I had to do to comply with all of you and our governing body and waited patiently for election day with the hopes we would vote in a governor who would have a better sense of how important it is to do what we feel is in the best interest of our own children and their overall well being. I put my children through hell and went against everything I believed in as their parent and waited to vote a governor in that has a better understanding of how a child needs to be a child and the trust a child places in their parent to protect them and their overall well being. I didn't do that this past year and a half and I am sure their are many others just like me who will live with that regret forever but no more! I will not allow you to take away my right to protect my child how I see fit. I will not allow you to take away their joy and their spirit any longer and I won't allow you to place a useless mask over what used to be happy faces and fill them with days of dreaded anxiety. Have any of you worn a mask 8 hours a day five days straight for a year and a half and tried to concentrate and remain joyful while doing so. You HAVE NOT! We did our part and followed the rules with the previous governor, now it's time we listen to one that wants to protect our rights as parents. How can anyone justify that one governor's executive order must be followed but another does not? Don't make this a political agenda. This isn't about you. You don't know what's best for my children You only know what's best for your own! Below is my response to the whining parents back lash about Youngkin's lift on mask mandates. I hope I have gotten through to some of you by the end of this.

A mother has a legal right to terminate a pregnancy in VA up to 25 weeks with no questions asked, a parent has a right to choose whether or not to vaccinate their child no questions asked, but a parent does not have the right to choose if their child wears a mask in school? Are you kidding me? A vaccine is available, if you don't want to get it that is your personal choice. Its also your personal responsibility to protect yourself and your child, so YOU mask up. Stop being hypocritical. The second these children are out of school their masks come off vaccinated or not and it's fair game. That is where their true exposure to COVID-19 lies. If it's actually being transmitted in schools that further supports that the masks are worthless. I respect what the teachers do and it should not be their job to police what students are supposed to be and what students don't have to wear masks. That is a conversation a parent needs to have with their own child and trust their child enough to abide by their parental rules. A teacher doesn't have to follow a child with nut allergies around to make sure they don't ingest anything harmful do they? So they shouldn't have to police mask wearing. Yes some teachers and students have extenuating health circumstances that pose a higher risk if infected, but again that is something you can take personal parental responsibility for to help protect your own child such as getting a vaccine and/or wearing their own mask. These same high risk children and teachers didn't push to have my children wear masks preCOViD during flu season or cold season did they? It is a parents job to do what is best to protect their own child. Excuse my bluntness, but it's not the schools job, my child's job, nor mine. If I can't force you to put a needle in your childs arm to vaccinate them then you shouldn't be able to force me to put a mask over my child's face, it's borderline abusive. [Redacted per Health Insurance Portability and Accountability Act (HIPAA) 42 U.S.C. § 1320(d)] My child shouldn't have to suffer all day to protect your child, they never had to before and shouldn't now. I don't mean to sound heartless because I certainly feel for those families who have to have that extra worry about their child's health or lack of. I don't envy them at all but COVID is here to stay just like the flu so we must learn how to live with the choices we have to protect our OWN families. The governor's mandate mattered when it suited the unvaccinated but now it doesn't matter when it leaves the responsibility in the hands of each parent? We abided by the rules when the mask mandate was in affect so stop being hypocrits when it doesn't work in your favor..or better yet..GO GET YOUR CHILD AND YOURSELVES VACCINATED! When does it end? When will it be safe enough for the unvaccinated to be satisfied? You will never make everyone happy. Everyone talks about protecting the greater good and most vulnerable..then be responsible and get vaccinated and protect those vulnerable. Mask wearing is denying children of building up their immune systems. Enough is enough. Stop being irrational, unreasonable and

AMERICAN OVERSIGHT
VA-22-0316-A-000889

selfish, this isn't just about your child...you have options as a parent, so use them! Don't take away my options for my child. Last I checked the CDC didn't run this country nor did they raise my child. They give guidelines and recommendations, they don't make laws and determine parental rights. If they said they recommend you put your child in the water if they didn't know how to swim and they will be fine, would you do that too or would you make an educated decision as a parent for your own child based on what you know is best for them? Take the politics out of it, stop whining and stop expecting the Government, Health Departments and Schools to make your job as a parent easier. Protect your own child and I will protect mine, that's what parents do!

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/22/2022 12:00:32 PM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>, "POLICY -" <policy@doe.virginia.gov>, "Shelley Loving-ryder" <shelley.loving-ryder@doe.virginia.gov>
Subject: Re: Fwd: Sequential Elective Waiver for 2022 & 2023 Graduation Requirements

---

Hi Elizabeth -

I apologize for the delay in getting this over to you. Michael and I drafted the below reply to the constituent inquiry you shared. Please let us know if you have any questions.

If you don't mind including Michael and I on the reply, we can make sure we close the loop with the school/counselor if the parent would like us to reach out directly.

Thank you!

Hi Ms. Caporicci -

Thank you for reaching out to the Virginia Department of Education regarding flexibility for the sequential elective requirement for graduation. We'd be happy to assist where we can.

At its March 2021 business meeting, the Board of Education approved additional, limited flexibility for certain students in meeting the sequential elective requirement. The approved guidance permits students graduating in the 2021-2022 or 2022-2023 school years to use a World Language course credit to partially satisfy the sequential elective requirement. In other words, one credit of a World Language may be used as one of the two sequential elective credits as well as for the World Language course credit requirement. Based on the information provided, FERPA 20 U.S.C. §1232(g) around meeting the sequential elective requirement. This flexibility provision is outlined in more detail in the Board's Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia (pp 43 - 44). And, in case it is useful, more context about the Board's action is available here.

In addition to the above, there may be some other practical solutions for ensuring FERPA 20 U.S.C. §1232(g) is able to meet all of the necessary graduation requirements without having to make course schedule adjustments. If you do not mind sharing the name of the school that FERPA 20 U.S.C. §1232(g), we would also be happy to have staff in our Office of Student Services reach out to the appropriate counselor to see how we may be able to provide some assistance.

Unfortunately, the authority by which the Superintendent was able to provide a waiver of the sequential elective for the 2019-2020 and 2020-2021 cohorts has expired with the end of the state of emergency. The Superintendent issued these temporary flexibility measures in accordance with Governor Northam's Executive Order Fifty-One as well as Chapter 1283 and Chapter 1289 of the 2020 Acts of Assembly (part of the Appropriation Act), all of which are no longer in effect. Therefore, the Superintendent is not able to issue any further flexibilities related to the sequential elective requirement beyond what is provided above.

Please let us know if there is anything additional we can provide.

Thank you,

On Fri, Feb 18, 2022 at 9:06 AM Sale, Leslie <leslie.sale@doe.virginia.gov> wrote:

> Good morning, Elizabeth,
>
> My team forwarded me (from the policy inbox) the below parent inquiry about sequential electives and graduation waivers. I have looped Michael Bolling in via this thread and I will work with him to coordinate a response. We'll circle back once we have a draft reply.
>
> Thank you!
>
> --

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT of EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

> ---------- Forwarded message ---------
> From: **Schultz, Elizabeth** <elizabeth.schultz@doe.virginia.gov>
> Date: Thu, Feb 17, 2022 at 4:49 PM
> Subject: Fwd: Sequential Elective Waiver for 2022 & 2023 Graduation Requirements
> To: Loving-ryder, Shelley <shelley.loving-ryder@doe.virginia.gov>
> Cc: Jillian Balow <jillian.balow@doe.virginia.gov>, Richard Shanor <dicky.shanor@doe.virginia.gov>, POLICY - <policy@doe.virginia.gov>
>
> Shelley:
> Could you please advise who may be best to respond to this parent inquiry?
> Thank you,
> Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

AMERICAN OVERSIGHT

---------- Forwarded message ---------
From: **Paige Caporicci** <paigecaporicci@gmail.com>

Date: Thu, Feb 17, 2022 at 1:36 PM
Subject: Sequential Elective Waiver for 2022 & 2023 Graduation Requirements
To: <superintendent@doe.virginia.gov>, <BOE@doe.virginia.gov>, <elizabeth.schultz@doe.virginia.gov>
Cc: <policy@doe.viriginia.gov>

Dear Virginia Department of Education Superintendent and Board,

FERPA 20 U.S.C. §1232(g) [redacted]

FERPA 20 U.S.C. §1232(g) [redacted] On the VBCPS website https://www.vbschools.com/students/graduation/graduation_f_a_qs I found this reason for Sequential Electives:

Sequential electives- These electives can be chosen from a concentration of courses selected from a variety of options (fine arts, world languages, or career and technical education) that may be planned to ensure the completion of a focused sequence of elective courses. Students may take such focused sequence of elective courses in consecutive years or any two years of high school. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. Sequential electives need not be taken in consecutive years. They MAY NOT be taken in the same year.

FERPA 20 U.S.C. §1232(g) [redacted] I feel like this mishap occurred due to the stress and lack of communication of virtual school. Do the sequential electives for Standards of Quality have to occur for current high school students who have had FERPA 20 U.S.C. §1232(g) Covid interruptions? It has been the majority of their high school experience. Can that be waved like colleges and universities have waved SAT tests? It is my understanding the VDOE waved it last year.

This is from the Waiver of Sequential Electives for 2020-2021 Graduates from the VDOE:

https://www.doe.virginia.gov/administrators/superintendents_memos/2021/067-21.pdf
https://www.doe.virginia.gov/instruction/graduation/advanced_studies.shtml

Waiver of Sequential Elective Available for 2020-2021 Graduates

Due to the ongoing impact of the COVID-19 pandemic, and in recognition of the impact the pandemic has had on course offerings, a waiver of the sequential elective graduation requirement for certain students graduating in the 2020-2021 cohort has been issued by the Superintendent of Public Instruction, in accordance with authority provided in Item 143.I of the Appropriation Act (Chapter 1289), and approved by the Secretary of Education. This waiver, along with other policy waivers related to COVID-19, is available on the School State Policy Waivers webpage.

A waiver of the sequential elective graduation requirement is available to students who meet the following conditions:

a. is graduating during the 2020-2021 school year, regardless of when they first entered high school;

b. whose course of study was negatively impacted by school closures or the move to virtual instruction; and

c. who has met all other graduation requirements including the number of credits required for each discipline area.

To the best of their ability, school divisions should work to provide opportunities for students to meet the sequential elective requirement. After consultation with the student and their parent/guardian, this waiver can be applied on a case-by-case basis.

FERPA 20 U.S.C. §1232(g) [redacted] Courses were changed due to virtual school, meetings with counselors didn't happen as they normally would, and it has been a difficult time for all. Please wave the sequential elective graduation requirement again for children impacted by Covid in school and that are graduating in 2022 and 2023. It would allow students like our child to take the course that benefits/reflects their academic pursuit and receive the Advanced Diploma.

Thank you for your time and any feedback you can provide.

Regards,

Paige Caporicci

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/22/2022 11:51:55 AM
To: "Bolling, Michael" <michael.bolling@doe.virginia.gov>
Cc:
Subject: Re: Sequential Elective Reply

Awesome - do you want to press send to ES or should I?

On Tue, Feb 22, 2022 at 10:50 AM Bolling, Michael <michael.bolling@doe.virginia.gov> wrote:

> This is absolutely perfect. Thank you so much.
>
> MB
>
> On Tue, Feb 22, 2022 at 10:47 AM Sale, Leslie <leslie.sale@doe.virginia.gov> wrote:
>
> First pass ...
>
> Hi Ms. Caporicci -
>
> Thank you for reaching out to the Virginia Department of Education regarding flexibility for the sequential elective requirement for graduation. We'd be happy to help assist where we can.
>
> At its March 2021 business meeting, the Board of Education approved additional, limited flexibility for certain students in meeting the sequential elective requirement. The approved guidance permits students graduating in the 2021-2022 or 2022-2023 school years to use a World Language course credit to partially satisfy the sequential elective requirement. In other words, one credit of a World Language may be used as one of the two sequential elective credits as well as for the World Language course credit requirement. Based on the information provided, FERPA 20 U.S.C. §1232(g) concerns around meeting the sequential elective requirement. This flexibility provision is outlined in more detail in the Board's Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia (pp 43 - 44). And, in case it is useful, more context about the Board's action is available here.
>
> In addition to the above, there may be some other practical solutions for ensuring FERPA 20 U.S.C. §1232(g) is able to meet all of the necessary graduation requirements without having to make course schedule adjustments. If you do not mind sharing the name of the school that FERPA 20 U.S.C. §1232(g), we would also be happy to have staff in our Office of Student Services reach out to the appropriate counselor to see how we may be able to provide some assistance.
>
> Unfortunately, the authority by which the Superintendent was able to provide a waiver of the sequential elective for the 2019-2020 and 2020-2021 cohorts has expired with the end of the state of emergency. The Superintendent issued these temporary flexibility measures in accordance with Governor Northam's Executive Order Fifty-One as well as Chapter 1283 and Chapter 1289 of the 2020 Acts of Assembly (part of the Appropriation Act), all of which are no longer in effect. Therefore, the Superintendent is not able to issue any further flexibilities related to the sequential elective requirement beyond what is provided above.
>
> --
>
> LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
> OFFICE OF POLICY
> VIRGINIA DEPARTMENT of EDUCATION
> 804.371.0558 | leslie.sale@doe.virginia.gov

--

Michael F. Bolling
Assistant Superintendent for Learning and Innovation
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
804.629.6862 (mobile)
michael.bolling@doe.virginia.gov

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT of EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/22/2022 11:47:10 AM
To: "Michael Bolling" <michael.bolling@doe.virginia.gov>
Cc:
Subject: Sequential Elective Reply

First pass ...

Hi Ms. Caporicci -

Thank you for reaching out to the Virginia Department of Education regarding flexibility for the sequential elective requirement for graduation. We'd be happy to help assist where we can.

At its March 2021 business meeting, the Board of Education approved additional, limited flexibility for certain students in meeting the sequential elective requirement. The approved guidance permits students graduating in the 2021-2022 or 2022-2023 school years to use a World Language course credit to partially satisfy the sequential elective requirement. In other words, one credit of a World Language may be used as one of the two sequential elective credits as well as for the World Language course credit requirement. Based on the information provided, FERPA 20 U.S.C. §1232(g) around meeting the sequential elective requirement. This flexibility provision is outlined in more detail in the Board's Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia (pp 43 - 44). And, in case it is useful, more context about the Board's action is available here.

In addition to the above, there may be some other practical solutions for ensuring FERPA 20 U.S.C. §1232(g) is able to meet all of the necessary graduation requirements without having to make course schedule adjustments. If you do not mind sharing the name of the school that FERPA 20 U.S.C. §1232(g), we would also be happy to have staff in our Office of Student Services reach out to the appropriate counselor to see how we may be able to provide some assistance.

Unfortunately, the authority by which the Superintendent was able to provide a waiver of the sequential elective for the 2019-2020 and 2020-2021 cohorts has expired with the end of the state of emergency. The Superintendent issued these temporary flexibility measures in accordance with Governor Northam's Executive Order Fifty-One as well as Chapter 1283 and Chapter 1289 of the 2020 Acts of Assembly (part of the Appropriation Act), all of which are no longer in effect. Therefore, the Superintendent is not able to issue any further flexibilities related to the sequential elective requirement beyond what is provided above.

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 3/22/2022 9:26:00 AM
To: "POLICY -" <policy@doe.virginia.gov>
Cc:
Bcc: "Jeremy Bennett" <jbennett@vaco.org>, "VirginiaAssociation ofElementarySchool Principals" <vaesp1jim@gmail.com>, "Ben Kiser" <b.kiser@vassonline.org>, "Tom Smith" <t.smith@vassonline.org>, bneale@vassp.org, rbarrack@vassp.org, jackerman@vml.org, "Jason Kessler" <jason@vsba.org>, sriddle@veanea.org
Subject: Request for Feedback: Local Mandate Assessments

Good morning, all,

As required by § 15.2-2903 of the *Code of Virginia* and Executive Order 58 (2007), each year, the Commission on Local Government asks state agencies to evaluate selected legislative mandates placed on localities for their efficacy and impact.

This year, the Virginia Department of Education will be reviewing several local mandates, each listed below. The insight and feedback we receive from educational stakeholders and area experts, like you, is an essential part of the assessment process.

Catalog Number	Mandate Title
SOE.DOE161	Parents' Right to Review Anti-Bullying or Suicide Prevention AV Materials
SOE.DOE162	Electronic Room Partitions
SOE.DOE163	Modernization of Public School Buildings
SOE.DOE164	Safety Training for School Administrator
SOE.DOE032	Minimum Standards for New Construction and Renovation of School Facilities
SOE.DOE090	School Crisis, Emergency Management, and Medical Emergency Response Plan

Superintendent's Memo #058-22, issued on March 11, 2022 provides more information about the assessment process, generally, as well as this year's selected mandates.

Feedback is optional, but if you would like to submit input, attached you will find the Local Fiscal Impact Comments Form to help guide the process as it relates to cost of implementation. You may reply to this email with any comments regarding the fiscal impact, effectiveness, or alternative means of accomplishing the goal of this mandate.

Please also feel free to share this request with other stakeholders, constituents, or membership to solicit additional input.

All comments are due by April 30, 2022. If you do not have any input regarding the above mandates, a response is not required.

For more information on the assessment process, visit the Department of Housing and Community Development's page on agency assessment of mandates on local government.

Thank you in advance for any feedback. We appreciate your time and insight.

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Rosa Atkins <rosa.atkins@doe.virginia.gov>
Sent: 3/8/2022 9:56:31 AM
To: jennifer.bean@governor.virginia.gov
Cc:
Subject: Accepted: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (jennifer.bean@governor.virginia.gov)

Attachments: invite.ics

Rosa Atkins has accepted this invitation.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York

Where Zoom (listed below) (map)

Calendar jennifer.bean@governor.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZlNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Invitation from Google Calendar

You are receiving this email at the account jennifer.bean@governor.virginia.gov because you are subscribed for invitation replies on calendar jennifer.bean@governor.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: rosa.atkins@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hId1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u>

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 2/9/2022 4:51:26 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Subject: Department of Education One Virginia Plan

Attachments: Department of Education One Virginia Plan.pdf

Dicky,
Today I participated in a Meet and Greet webinar with DHRM and Chief Sailor, DOI, brought greetings. At the conclusion of the meeting, Vilma Alejandro, Director of Workforce Development, asked all agencies who had not already done so, to submit to Chief Sailor a copy of their agency's One Virginia Plan.

I have a attached a copy of the DOE Plan for your review and guidance. Let me know if you have any questions and if you would like me to forward it to Chief Sailor.
Thanks,
Rosa

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

AMERICAN OVERSIGHT

ONE Virginia VDOE Matrix Dashboard

Goal 1: Recruit, retain, and promote a diverse workforce.

Action	Resources / Fiscal Impact	Lead Person(s) / Department(s)	Anticipated Result	Impact	Timeframe	Metrics	Progress
Objective 1: Attract, recruit, and hire a diverse workforce at every level of leadership.							
EXAMPLE: Develop mandatory implicit bias training for everyone who participates in the hiring process	• Funding to hire Subject Matter Experts • Funding to purchase the Learning Management System	Human Resources, DEI office, IT, C-Suite, Instructional Design, Supervisors	Increased diversity in applicant pool and hiring decisions	High	January – March 2021 (Development to all employees trained)	• Completion rates • Satisfaction surveys • Applicant pool data	Not yet begun In progress
[Initiative, Task or Strategy]	[What needs to be funded for this to be accomplished?]	[What office or entity is responsible for this task]	[What will be the most direct outcome?]	[Relative to other strategies, is the impact of this program high, medium, or low?]	[Goals are oriented towards the next five years, where does this lie on the timeline?]	[List some statistical variables which can be measured to prove anticipated result.]	[When does this begin?]
Hire and retain staff dedicated to implementing a comprehensive outreach, recruitment and assessment plan focusing on hiring standards and practices; work with DHRM to develop agency recruitment, selection and hiring policies and procedures designed to advance diversity, equity and inclusion.		The Office of Human Capital Department of Diversity, Equity and Inclusion	Increased diversity in applicant pool and hiring decisions	High	January 2022-January 2025	• Applicant pool and hiring data; documentation of updates to processes, policies and procedures	
Hire staff in alignment with the agency's core values of inclusion, excellence, optimism, and service that demonstrate a commitment to diversity, equity, and inclusion.		The Office of the Superintendent	Increased perception of satisfaction in the workplace climate and sense of belonging among employees	High	December 2021-On-going	• Gallup poll satisfaction surveys	
Train all hiring managers and employees serving on interview panels on new procedures and questions designed to increase diversity within the applicant pool, Equal Employment Opportunity requirements, cultural competency, unconscious bias and other related topics as identified.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased diversity in hiring decisions	High	March 2022-On - February 2023	• Training completion rates • Applicant pool and hiring data	

AMERICAN OVERSIGHT

Implement intentional outreach and recruitment strategies to increase the applicant pool from historically underrepresented populations.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased diversity in applicant pool	High	March 2022 - March 2023	‣ Developed and/or redesigned recruitment documentation ‣ Applicant pool and hiring data	
Review, and where appropriate, revise job descriptions and credential requirements to use inclusive, culturally competent, and gender-neutral language.		The Office of Human Capital and Department of Diversity, Equity, and Inclusion	Increased diversity in applicant pool and hiring decisions	High	December 2021 - December 2022	‣ Job description review data ‣ Applicant pool and hiring data	
Collect data to identify gaps in representation and inform succession planning and pipeline development.		The Office of Human Capital	Increased diversity throughout all levels of agency staffing	High	January 2022-January 2023	‣ Career growth opportunities ‣ Applicant pool and hiring data	
Develop and provide biannual staffing reports to leadership; include organizational charts, titles, salaries, demographics and Equal Employment Opportunity report, etc.		The Office of Human Capital	Increased diversity throughout all levels of agency staffing	High	July 2022-June 2023	‣ Agency staffing data	
Promote a culture of transparency and regularly solicit feedback and recommendations from staff.		The Office of Human Capital and Department of Diversity, Equity, and Inclusion The Office of the Superintendent	Increased perception of satisfaction in the workplace climate and sense of belonging among employees Increased awareness and understanding of agency and departmental resources related to harassment, discrimination, and identify-based violence	High	July 2022-June 2023	‣ Gallup poll satisfaction surveys	
Undertake reviews, formal or informal, of VDOE guidelines and handbooks; policies, practices, procedures, and programs that may impact the agency's goals and objectives related to diversity, equity, and inclusion.		The Office of Human Capital and Department of Diversity, Equity, and Inclusion	Increased perception of satisfaction in the workplace climate and sense of belonging among employees	High	January 2022-on-going	‣ Documentation of completed reviews	

AMERICAN OVERSIGHT

Goal 2: Create and sustain an agency culture that affirms and respects diversity and employs inclusive practices throughout daily operations.

Action	Resources / Fiscal Impact	Lead Person(s) / Department(s)	Anticipated Result	Impact	Timeframe	Metrics	Progress
Objective 1: Support a climate that is supportive, respectful, and that values and integrates differing perspectives and experiences.							
Offer resources in compliance with the agency-wide plan to target the most understood languages across the Commonwealth, in addition to American Sign Language (ASL).		Office of Communications; the Department of Diversity, Equity, and Inclusion	Increased access to information for diverse stakeholders	High	December 2021-June 2022	• Documentation of diverse language access to agency resources	In progress
Create opportunities for facilitated dialogue between and among different groups of employees that increases understanding of varied perspectives and nature of social and economic inequalities.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of an inclusive workplace climate and sense of belonging among employees	Medium	July 2022-on-going	• Calendar of agency facilitated dialogue opportunities	
Develop professional learning opportunities on equity policies and tactics to prevent harassment, discrimination, and identity-based violence.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased awareness and understanding of agency and departmental resources related to harassment, discrimination, and identify-based violence	High	October 2021-June 2022	• Attendance rates	In progress
Offer educational and celebratory events that recognize, value, and honor diversity and promote inclusion; evaluate different programs for their impact on the climate for and across many dimensions of diversity.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of an inclusive workplace climate and sense of belonging among employees	Medium	July 2021-Monthly	• Calendar of events • Gallup poll surveys	In progress
Normalize and encourage flexible work policies and programs such as telework, wellness, tuition assistance/forgiveness, community service leave, and professional development to support employees' and agencies' growth and productivity at all levels.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion Office of the Superintendent	Increased perception of satisfaction in the workplace climate and sense of belonging among employees Increased growth in career opportunities	High	July 2021-June 2022	• Documentation of policies and programs	
Develop a system of processes and procedures to effectively address agency concerns and complaints according to objective standards as established by DHRM policies and guidelines.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased awareness and understanding of agency and departmental resources related to harassment, discrimination, and identify-based violence	High	January 2022-on-going	• Documentation of processes and procedures	

AMERICAN OVERSIGHT

Develop programs that recognize team members' leadership in diversity, equity and inclusion.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of satisfaction in the workplace climate and sense of belonging among employees	Medium	June 2022-Quarterly	• Documentation of programs	
Create opportunities for cross-collaboration among employees outside of normal office or department silos to enrich the employee climate, foster diversity of thought, and inspire innovative solutions.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion; Department heads and leaders	Increased perception of satisfaction in the workplace climate and sense of belonging among employees	Medium	July 2022-June 2023	• Gallup poll surveys	
Create processes to assist all department leaders, managers, and team members to identify and report barriers for employees with disabilities by conducting regular accessibility audits; an audit response plan should be issued to agency leaders and appropriate action taken.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion; Department heads and leaders	Increased perception of an inclusive workplace climate and sense of belonging among employees	High	July 2022-on-going	• Accessibility audit data	
Develop processes that leaders and team members across the agency use to include engagement from all employees with the *One Department of Education; Plan for Inclusive Excellence.*		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion; Department heads and leaders	Increased perception of satisfaction in the workplace climate and sense of belonging among employees	High	February 2022-on-going	• Gallup poll survey	

AMERICAN OVERSIGHT

Goal 3: Engage all employees in learning the concepts of varied perspectives of diversity, equity, inclusion and the importance of these concepts in completing the Agency mission.

Action	Resources / Fiscal Impact	Lead Person(s) / Department(s)	Anticipated Result	Impact	Timeframe	Metrics	Progress
Objective 1: Improve employee professional development and seek to have survey results indicate high levels of employee attainment with diversity, equity, and inclusion goals.							
Conduct a training needs assessment to determine gaps and create an ongoing training plan. The plan should include agency-wide learning goals based on identified gaps.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of satisfaction in the workplace and increased knowledge of and collective movement towards agency goals.	High	July 2022	• Survey results	
Solicit feedback from employees regarding goals and training employees feel should be included and perceived barriers to employees engaging in diversity, equity and inclusion training; include remedies to barriers in the training plan.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of an inclusive workplace climate and sense of belonging among employees	High	Fall 2022-Review Annually	• Survey results	
Implement required training to educate all staff on equity policies and the importance of prevention and tactics to prevent harassment, discrimination, and identity-based violence.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased awareness and understanding of agency and departmental resources related to harassment, discrimination, and identify-based violence	High	December 2021-June 2022 then on-going	• Completion rates • Number and type of trainings offered	
Training, internal mentoring, and coaching will be designed and delivered to support updating the agency's Employee Work Profiles with new DEI competency. Each employee should know of individual, group, and informal opportunities to grow in their competency.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of satisfaction in the workplace climate and sense of belonging among employees Increased growth in career opportunities	High	July 2022- Review Annually	• Participation rates • Number and type of trainings offered	
Objective 2: Improve the climate of the agency such that survey results indicate high levels of support for employees and respect for diversity.							
Create and publicize a process to help individual departments and groups from across departments who have ideas for less formal training, workshops, development activities and group activities. Ideas may include book chats, discussions, viewing documentaries, podcasts and/or other materials related to the agency diversity, equity, and inclusion mission.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion; Department heads and leaders	Increased perception of an inclusive workplace climate and sense of belonging among employees	Medium	March 2022-Review Annually	• Survey results • Number and type of trainings offered	

AMERICAN OVERSIGHT

Support individual departments and groups to collect data on their progress toward goals around diversity, equity, and inclusion.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion; Department heads and leaders	Increased perception of an inclusive workplace climate and sense of belonging among employees	High	January 2022	• Survey results	

AMERICAN OVERSIGHT

Goal 4: Create and sustain an infrastructure that effectively supports individual and collective progress and accountability in achieving the agency's diversity, equity and inclusion goals.

Action	Resources / Fiscal Impact	Lead Person(s) / Department(s)	Anticipated Result	Impact	Timeframe	Metrics	Progress
Objective 1: Through adopted accountability measures, the agency team members will understand the progress toward, and barriers toward, its goals articulated in this plan.							
Implement a comprehensive plan for assessing and reporting progress made on the VDOE's diversity, equity and inclusion goals; regularly distribute reports to employees to promote accountability, transparency, and continuous improvement		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each agency goal	High	July 2022	• Evidence that Inclusive Excellence has been integrated into strategic planning	
Develop a regular reporting process for progress toward statewide DE&I goals to ensure compliance.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each agency goal	High	July 2022	• Documentation of processes used to evaluate diversity, equity and inclusion efforts	
Engage relevant leaders and stakeholders in analyzing disaggregated data and special studies to better understand and resolve barriers to progress on goals whenever reports on diversity, equity and inclusion progress are made.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each agency goal	High	Fall 2022	• Survey of agency leadership • An annual report to senior leadership on their progress toward the ONE Virginia goals	
Establish a diversity, equity and inclusion council (representing various departments and levels of leadership) that bears the primary responsibility of communicating needs, barriers and successes to the Department of Diversity, Equity and Inclusion.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each agency goal	Medium	Summer 2022- Review Annually	• Documentation of mission and scope of work and reports from the Diversity, Equity and Inclusion Council	
Create partnerships with relevant state agencies and organizations for the purpose of sharing resources, best practices, and opportunities for diverse employee engagement on internships.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased collective efforts with external partners to integrate inclusive excellence within resources, practices, and opportunities	Medium	January 2022-on-going	• Evidence of increased cross-agency collaboration and sharing	

AMERICAN OVERSIGHT

Collaborate to create mandatory training for department heads, leaders and members of interview panels on legal interviewing standards, lawful and equitable hiring practices, and the impact of implicit bias and tactics to avoid bias in the recruitment and selection process.		The Office of Human Capital; Department of Diversity, Equity and Inclusion	Increased awareness and understanding of agency and departmental practices related to the impact of implicit bias on recruitment and hiring	High	Spring 2022-on-going	• Completion rates • Number and type of trainings offered	
Work with department heads, leaders and members of interview panels to clarify roles, responsibilities, and division of labor to establish a collective understanding of policies and procedures.		The Office of Human Capital	Increased awareness and understanding of employee roles and responsibilities to ensure equitable accountability measures	High	Spring 2022-on-going	• Documentation of processes used to evaluate diversity, equity and inclusion efforts	
Establish accountability standards for leadership for achieving diversity, equity and inclusion goals		Department of Diversity, Equity and Inclusion	Increased perception of an inclusive workplace climate	High	July 2022	• Documentation of processes used to evaluate diversity, equity and inclusion efforts	
Identify and eliminate barriers to equal employment opportunity protective factors in hiring, promotions, separations, and career development by grade levels and major occupations annually in a manner that is compliant with the Governor's Executive Order, § 2.2-1201 of the *Code of Virginia*, DRHM Policy 2.05 Equal Employment Opportunity, and Title VII of the *Civil Rights Act of 1964*.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased perception of an inclusive workplace climate and sense of fair career advancement opportunities among employees	High	July 2022-on-going	• Documentation of redesigned processes	
Objective 2: Establish individual accountability by building strategies for Inclusive Excellence into the VDOE's policies, procedures, and strategic planning.							
Review and assess internal policies and procedures not covered by other parts of this plan to identify opportunities to advance organizational excellence.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each agency goal	High	Fall 2022	• Documentation of processes used to set and monitor continuous improvement towards diversity, equity and inclusion efforts • Annual report to senior leadership on their progress toward the ONE Virginia goals	

AMERICAN OVERSIGHT

Add a Diversity, Equity and Inclusion Competency (with agency-wide, department-specific, and leadership-level-specific components) to performance evaluations to acknowledge individual efforts and growth, help employees understand performance expectations, and identify areas for individual growth. Performance evaluators should conduct midpoint check-ins with employees to provide suggestions on how to meet performance expectations.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased perception of an inclusive workplace climate and sense of belonging among employees	High	January 2023	• Documentation of redesigned performance evaluation	
Enforce no-tolerance expectations with respect to reporting and handling situations that involve sexual harassment, hostility, bullying, and discrimination and hold employees accountable for these and other types of inappropriate workplace behavior.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased perception of a satisfactory workplace climate and sense of belonging among employees	High	December 2021	• Documentation of expectations • Survey results	

AMERICAN OVERSIGHT

Goal 5: Develop new and redesign existing partnerships and strategies to provide measurable, direct, equitable, and sustained benefit to all Virginia's diverse communities.

Action	Resources / Fiscal Impact	Lead Person(s) / Department(s)	Anticipated Result	Impact	Timeframe	Metrics	Progress
Objective 1: Demonstrate the engagement with, provide access to, and improve outcomes and experiences of populations that the Virginia Department of Education serves directly and their larger communities.							
Create a language access plan and provide language translation tools on doe.virginia.gov to allow access to greater segments of Virginia's population.		Office of Communications; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased access to information for diverse stakeholders	High	July 2022	‣ Accessibility audit of agency website(s)	
Continually look for efficiencies for all employees to support the accessibility of the agency's online presence.		Office of Communications; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased collective efforts to ensure access to information for diverse stakeholders	Medium	January 2022	‣ Accessibility audit of agency website(s)	
Publish a list of the VDOE's internal and external strategies and initiatives to achieve Diversity, Equity and Inclusion goals to showcase the agency's commitment to Inclusive Excellence. Publish the *One Virginia Department of Education: Plan for Inclusive Excellence* document. *Education: Plan for Inclusive Excellence* document		Office of Communications; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each internal and external agency strategy and initiative	High	January 2022	‣ Report of demonstrated impact of initiatives and partnerships, evaluated according to the five conditions of collective impact	
Examine existing community outreach and philanthropy programs to identify opportunity gaps and target future endeavors to address gaps.		Department of Diversity, Equity, and Inclusion; Office of Facilities and Family Engagement; Department of Teacher Education	Increased diverse participation and inclusive excellence integrated within each agency partnership	Medium	Fall 2022	‣ Number and type of partnerships or philanthropic initiatives implemented ‣Report on demonstrated impact of initiatives and partnerships, evaluated according to the five conditions of collective impact	
Develop and implement talent management programs internally and externally with professional organizations and institutions of higher education (emphasize HBCU partnerships) to maximize performance and career potential for underrepresented groups within the agency.		The Office of Human Capital; Department of Diversity, Equity and Inclusion	Increased diversity in applicant pool and hiring decisions	High	July 2022-Review Annually	‣ Program participation rates ‣ Applicant pool and hiring data	

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 3/9/2022 11:21:47 AM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: [uvak12advisorycouncil] Fwd: VASCD Response to Divisive Concepts Report | Commonwealth Learning Partnership Support

---

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

Forwarded Conversation
Subject: [uvak12advisorycouncil] Fwd: VASCD Response to Divisive Concepts Report | Commonwealth Learning Partnership Support
---

From: <roberson.stewart@gmail.com>
Date: Sat, Mar 5, 2022 at 7:56 PM
To: UVA K12 Advisory Council <Uvak12advisorycouncil@virginia.edu>
Cc: Stewart Roberson <roberson.stewart@gmail.com>

Good evening, colleagues.

Forwarding to you here the VASCD response to the Interim Report on Divisive Concepts. As the Council gathers on 4/22, I'm confident that there will be much for us to focus upon as we develop an agenda for our future work together.

Have a good weekend!

Stewart

Sent from my iPhone

Begin forwarded message:

From: gena@commonwealthlearningpartnership.org
Date: March 5, 2022 at 7:21:18 PM EST
To: jview@gmu.edu, edemulde@gmu.edu, meconstantino@wm.edu, wwalter@vsu.edu, tmmanglicmot@gmail.com, michael.bolling@doe.virginia.gov, a.stamp@vassonline.org, m.newsome@vassonline.org, b.kiser@vassonline.org, pmoran@vascl.org, pmpmoran@gmail.com, vascded@gmail.com, accolley@wm.edu, roberson.stewart@gmail.com, pianta@virginia.edu, christine.harris@doe.virginia.gov, modernimpactsolutions@gmail.com, mfheubeck@virginia.edu, colejp@vcu.edu, rcorley@vsu.edu, kstroupe@virginia.edu, jennifer@vaedstrategies.org, lfvirginia@gmail.com, dr.gerald@teamyellow.org, karen_richardson@vste.org, bstaudt@email.wm.edu, stem@vt.edu, anne.evans@richmond.edu, dramygriffin@gmail.com, cblount@kwcps.k12.va.us, mhurt@cip.education, jparish@dhcdc.org, mhackney@hopewell.k12.va.us, lauren@capresults.net, julie@capresults.net, meg@reachva.org, rbiggs@gmu.edu, powerdefurea@longwood.edu, amos@advancedpartnerships.com, spatrick@aurora-institute.org, kellybisogno@gmail.com, afogliani@aol.com, hmonroe@ccps.us, dave@gastoned.com, rafterymeghan@gmail.com, marialawson-davenport@spsk12.net, dreedy@rcps.org, victoria.sachar-milosevich@vbschools.com, astamm@nkcps.k12.va.us, davis.helen@secep.net, nickeljr@jmu.edu, sgeyer@glnd.k12.va.us, garyman@shenandoah.k12.va.us, barbarap.nichols@gmail.com, brendalong73@gmail.com, Meg Carnes <meg@reachva.org>, dave@gastoned.com, Erin Luper <erin.luper@graduationalliance.com>, Terry Arbogast <tarbogas@swva.net>, vaeducatorcmj@gmail.com
Cc: john.hendron@doe.virginia.gov, Gena Keller <gena4makingitbetter@gmail.com>
Subject: VASCD Response to Divisive Concepts Report | Commonwealth Learning Partnership Support

Members:

Please see the information below from Chris Jones, Executive Director, VASCD.

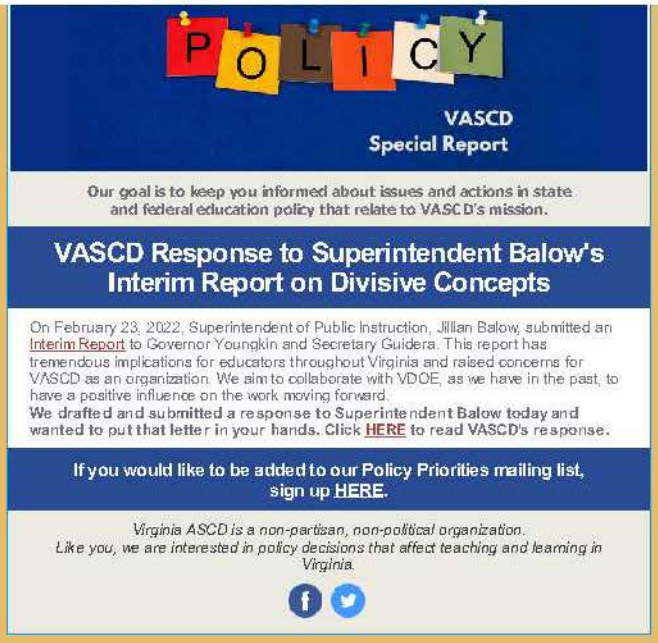
We support and appreciate VASCD's message in response to the Divisive Concepts Report from the Governor's Office. We are prepared to participate in and advance the dialogue around our collective efforts to meet the needs of all children across the Commonwealth of Virginia. We are also committed to continuing a good working relationship with the Virginia Department of Education and look forward to future opportunities to collaborate with Superintendent Balow and her staff. We believe our best step forward is to take those steps together. We believe there are many connecting points in our work ahead and we will strive to build a common vision for the learners in Virginia.

We remain grounded in supporting our educators and building capacity around the 5C's in order to bolster meaningful and equitable educational experiences for all students.

Thank you.
Gena

---------- Forwarded message ---------
From: **Chris Jones, VASCD** <vaeducatorcmj@gmail.com>
Date: Fri, Mar 4, 2022 at 11:48 AM
Subject: VASCD Response to Divisive Concepts Report
To: <gena@commonwealthlearningpartnership.org>

AMERICAN OVERSIGHT



Virginia ASCD | P.O. Box 119, Stuarts Draft, VA 24477

Unsubscribe gena@commonwealthlearningpartnership.org
Update Profile | Constant Contact Data Notice
Sent by vaeducatorvoice@gmail.com powered by

Constant Contact
Try email marketing for free today!

From: **Atkins, Rosa** <rosa.a..kins@doe.virginia.gov>
Date: Tue, Mar 8, 2022 a.. 9:20 AM
To: Merri..., Adria <adria.merri...@doe.virginia.gov>

Rosa S. A..kins, Ed.D.
Chief Diversi..y, Oppor..uni..y and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.a..kins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 3/8/2022 10:20:43 AM
To: "Merritt, Adria" <adria.merritt@doe.virginia.gov>
Cc:
Subject: Fwd: [uvak12advisorycouncil] Fwd: VASCD Response to Divisive Concepts Report | Commonwealth Learning Partnership Support

---

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

---------- Forwarded message ---------
From: <roberson.stewart@gmail.com>
Date: Sat, Mar 5, 2022 at 7:56 PM
Subject: [uvak12advisorycouncil] Fwd: VASCD Response to Divisive Concepts Report | Commonwealth Learning Partnership Support
To: UVA K12 Advisory Council <Uvak12advisorycouncil@virginia.edu>
Cc: Stewart Roberson <roberson.stewart@gmail.com>

Good evening, colleagues.

Forwarding to you here the VASCD response to the Interim Report on Divisive Concepts. As the Council gathers on 4/22, I'm confident that there will be much for us to focus upon as we develop an agenda for our future work together.

Have a good weekend!

Stewart

Sent from my iPhone

Begin forwarded message:

From: gena@commonwealthlearningpartnership.org
Date: March 5, 2022 at 7:21:18 PM EST
To: jview@gmu.edu, edemulde@gmu.edu, meconstantino@wm.edu, wwalter@vsu.edu, tmmanglicmot@gmail.com, michael.bolling@doe.virginia.gov, a.stamp@vassonline.org, m.newsome@vassonline.org, b.kiser@vassonline.org, pmoran@vascl.org, pmpmoran@gmail.com, vascded@gmail.com, accolley@wm.edu, roberson.stewart@gmail.com, pianta@virginia.edu, christine.harris@doe.virginia.gov, modernimpactsolutions@gmail.com, mfheubeck@virginia.edu, colejp@vcu.edu, rcorley@vsu.edu, kstroupe@virginia.edu, jennifer@vaedstrategies.org, lfvirginia@gmail.com, dr.gerald@teamyellow.org, karen_richardson@vste.org, bstaudt@email.wm.edu, stem@vt.edu, anne.evans@richmond.edu, dramygriffin@gmail.com, cblount@kwcps.k12.va.us, mhurt@cip.education, jparish@dhcdc.org, mhackney@hopewell.k12.va.us, lauren@capresults.net, julie@capresults.net, meg@reachva.org, rbiggs@gmu.edu, powerdefurea@longwood.edu, amos@advancedpartnerships.com, spatrick@aurora-institute.org, kellybisogno@gmail.com, afogliani@aol.com, hmonroe@ccps.us, dave@gastoned.com, rafterymeghan@gmail.com, marialawson-davenport@spsk12.net, dreedy@rcps.org, victoria.sachar-milosevich@vbschools.com, astamm@nkcps.k12.va.us, davis.helen@secep.net, nickeljr@jmu.edu, sgeyer@glnd.k12.va.us, garyman@shenandoah.k12.va.us, barbarap.nichols@gmail.com, brendalong73@gmail.com, Meg Carnes <meg@reachva.org>, dave@gastoned.com, Erin Luper <erin.luper@graduationalliance.com>, Terry Arbogast <tarbogas@swva.net>, vaeducatorcmj@gmail.com
Cc: john.hendron@doe.virginia.gov, Gena Keller <gena4makingitbetter@gmail.com>
Subject: VASCD Response to Divisive Concepts Report | Commonwealth Learning Partnership Support

Members:

Please see the information below from Chris Jones, Executive Director, VASCD.

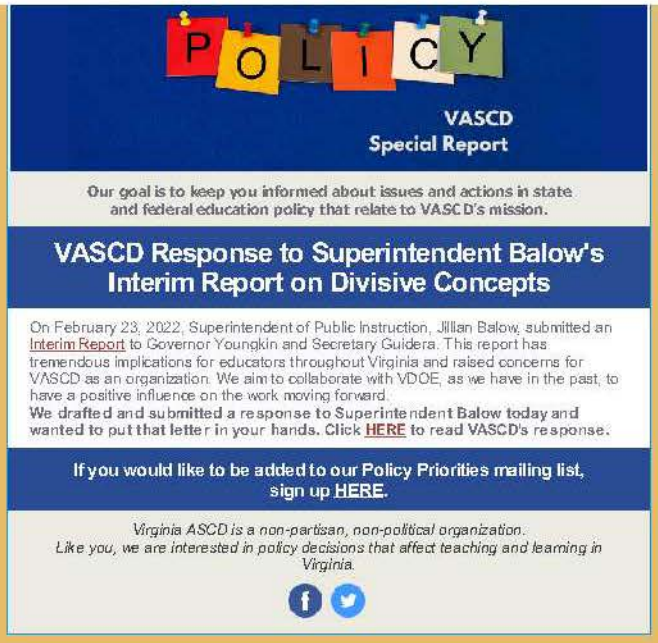
We support and appreciate VASCD's message in response to the Divisive Concepts Report from the Governor's Office. We are prepared to participate in and advance the dialogue around our collective efforts to meet the needs of all children across the Commonwealth of Virginia. We are also committed to continuing a good working relationship with the Virginia Department of Education and look forward to future opportunities to collaborate with Superintendent Balow and her staff. We believe our best step forward is to take those steps together. We believe there are many connecting points in our work ahead and we will strive to build a common vision for the learners in Virginia.

We remain grounded in supporting our educators and building capacity around the 5C's in order to bolster meaningful and equitable educational experiences for all students.

Thank you.
Gena

---------- Forwarded message ---------
From: **Chris Jones, VASCD** <vaeducatorcmj@gmail.com>
Date: Fri, Mar 4, 2022 at 11:48 AM
Subject: VASCD Response to Divisive Concepts Report
To: <gena@commonwealthlearningpartnership.org>

AMERICAN OVERSIGHT



Our goal is to keep you informed about issues and actions in state and federal education policy that relate to VASCD's mission.

VASCD Response to Superintendent Balow's Interim Report on Divisive Concepts

On February 23, 2022, Superintendent of Public Instruction, Jillian Balow, submitted an Interim Report to Governor Youngkin and Secretary Guidera. This report has tremendous implications for educators throughout Virginia and raised concerns for VASCD as an organization. We aim to collaborate with VDOE, as we have in the past, to have a positive influence on the work moving forward.
We drafted and submitted a response to Superintendent Balow today and wanted to put that letter in your hands. Click HERE to read VASCD's response.

If you would like to be added to our Policy Priorities mailing list, sign up HERE.

Virginia ASCD is a non-partisan, non-political organization.
Like you, we are interested in policy decisions that affect teaching and learning in Virginia.

Virginia ASCD | P.O. Box 119, Stuarts Draft, VA 24477

Unsubscribe gonal@summanwealthlearningpartnership.org
Update Profile | Constant Contact Data Notice
Sent by vaeducationmgr@gmail.com powered by

Constant Contact
Try email marketing for free today!

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 1/18/2022 11:46:02 AM
To: "rr Constituent Services" <constituentservices@doe.virginia.gov>
Cc:
Subject: Fwd: Executive Order #2

Rosa S. Atkins, Ed.D.
Chief Diversity, Equity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

---------- Forwarded message ---------
From: **Shane and Lacey Lynch** <thelynchcrew4@gmail.com>
Date: Tue, Jan 18, 2022 at 10:45 AM
Subject: Executive Order #2
To: <rosa.atkins@doe.virginia.gov>

Dear Dr. Atkins,

I implore you to put science and the health and safety of Virginia's students and employees first by working with Gov. Youngkin to reinstate masking requirements for all who enter our schools as recommended by the CDC/VDH. Executive Order 2 puts all of us who work and learn in our public schools at tremendous risk.

I am a music teacher in the Rockbridge County Public Schools, and our district has done a tremendous job overall keeping students and staff safe, and our schools open during these very challenging times. The students and staff at Natural Bridge Elementary have worn their masks diligently, helping to keep each other protected so we can stay in school. As a music teacher, this masking policy is especially important because every student at NBES goes in and out of my classroom. Keeping them safe as they do so has been top priority the past couple of years, and I've done a great job at it thanks to our district's masking, social distancing, and mitigation policies.

Executive Order 2 is reckless at a time of high transmission rates, sub shortages, overwhelmed hospitals, and is, quite frankly, based on false information. The CDC recommends "universal indoor masking for all teachers, staff, students, and visitors to K-12 schools, regardless of their vaccination status or the area's transmission rates". The CDC has also added that "the benefits of mask-wearing are well-established". In fact, the CDC just updated their masking guidance because of the highly contagious omicron variant to move towards masks such as KN95s and N95s. Are masks fool-proof? No. But they have not only helped to keep our students/staff safer, but our schools open.

We have a right to a safe place to work and go to school. This dangerous executive order puts my life, my student's lives, and the lives of my colleagues at an even greater risk. Return to the CDC recommended mitigation/masking policies until science, not politics, shows us a better path forward.

Thank you for your time.

Sincerely,

Lacey Lynch
12 High Meadow Dr.
Lexington, VA 24450
206.788.6491

--
"To be hopeful in bad times is not just foolishly romantic. It is based on the fact that human history is a history not only of cruelty, but also of compassion, sacrifice, courage, kindness. What we choose to emphasize in this complex history will determine our lives." - Howard Zinn

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/1/2022 12:55:55 PM
To: "Rosa Atkins" <rosa.atkins@doe.virginia.gov>
Cc:
Subject: Fwd: Hearing: Judiciary Committee Speakers

Attachments: HMTG-117-JU10-WList-20220301.pdf

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

---------- Forwarded message ---------
From: **Elizabeth Schultz** <elizabeth.schultz@doe.virginia.gov>
Date: Tue, Mar 1, 2022 at 10:56 AM
Subject: Hearing: Judiciary Committee Speakers
To: <elizabeth.schultz@doe.virginia.gov>

AMERICAN OVERSIGHT

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES
Witness List

TIME	DATE	PLACE
10:00 a.m.	**Tuesday, March 1, 2022**	**2141 Rayburn House Office Building**

Subject: Discrimination and the Civil Rights of the Muslim, Arab, and South Asian American Communities

Panel One:

The Honorable André Carson
Member of Congress

The Honorable Judy Chu
Member of Congress

The Honorable Pramila Jayapal
Member of Congress

The Honorable Ilhan Omar
Member of Congress

Panel Two:

Maya Berry
Executive Director
Arab American Institute

Shoba Sivaprasad Wadhia
Associate Dean for Diversity, Equity, and Inclusion;
Samuel Weiss Faculty Scholar; and Clinical Professor of Law
Penn State Law

Zulfat Suara
Council Member At Large
Metropolitan Government of Nashville and Davidson County

AMERICAN OVERSIGHT

Asra Nomani
Vice President for Strategy and Investigations
Parents Defending Education

Hammad Alam
Staff Attorney and Program Manager, National Security and Civil Rights
Asian Law Caucus
Asian Americans Advancing Justice

Devon Westhill
President and General Counsel
Center for Equal Opportunity

Amrith Kaur Aakre
Legal Director
The Sikh Coalition

Annetta Seecharran
Executive Director
Chhaya Community Development Corporation

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 1/18/2022 9:25:37 AM
To: "rr Constituent Services" <constituentservices@doe.virginia.gov>
Cc:
Subject: Fwd: Please fight Executive order 2-keep masks!

Rosa S. Atkins, Ed.D.
Acting Superintendent of Public Instruction
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

---------- Forwarded message ---------
From: **Cindy Leo** <cleo9425@yahoo.com>
Date: Mon, Jan 17, 2022 at 3:27 PM
Subject: Please fight Executive order 2-keep masks!
To: <rosa.atkins@doe.virginia.gov>

I know I'm not alone in being furious with this executive order and the pure politics behind it. My child is angry as well. Why wouldn't we continue to use all of the tools at our disposal to keep our kids as safe and healthy as possible in our schools? It's irresponsible and I feel like the health of our kids is less important than appeasing those who choose to ignore science (and endanger my kid's and everyone else's health!)

Cynthia Leo
Virginia Beach, VA

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 1/18/2022 4:14:50 PM
To: "rr Constituent Services" <constituentservices@doe.virginia.gov>
Cc:
Subject: Fwd: Please keep masks mandatory in school AFTER January 24, 2022

Rosa S. Atkins, Ed.D.
Chief Diversity, Equity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

---------- Forwarded message ---------
From: **Jennifer Lo Prete** <lopretejennifer@gmail.com>
Date: Tue, Jan 18, 2022 at 2:50 PM
Subject: Please keep masks mandatory in school AFTER January 24, 2022
To: <alexander.samuel@vdh.virginia.gov>, <rosa.atkins@doe.virginia.gov>

Dear Dr. Atkins and Dr. Samuel,

Governor Youngkin's Executive Order threatens the district's ability to keep schools open safely after January 24, 2022. Removing masks risks the health of students, many who live in homes with elderly, immunocompromised, or children under 5 years old. Removing masks risks the health of district faculty and staff, when the district is already facing short substitute lists. Several of my children's teachers have had many absences this year due to COVID-19 exposure or daycare closures due to the virus' impact on children who cannot be vaccinated.

As of January 17, 2022, the Virginia Chapter of the American Academy of Pediatrics "strongly recommends that children, regardless of vaccination status, wear a well-fitted mask while attending school." (Press Release and NBC12 article)

Virginia School Districts that Made Mask Mandate Statements THIS WEEKEND after Youngkin's Order.

1. Henrico
2. Richmond Public Schools
3. Fredericksburg
4. Norfolk
5. Chesapeake
6. Charlottesville
7. Albemarle
8. Prince William
9. Manassas City
10. Montgomery
11. Arlington
12. Loudoun
13. Fairfax

With Omicron surging beyond all expectations and Delta still circulating January 24, 2022 is NOT the moment to remove masks. Last week, we received near daily covid notifications. I can only imagine how many more notifications principals will be sending if students are unmasked after January 24, 2022. Many students in this county will not wear masks to class if given the choice.

Deciding when to remove masks is a public health question, not a political decision. Please continue to follow the science!

Sincerely concerned,

Jennifer Lo Prete
Mother to two students at Monacan High School, Chesterfield County Public Schools

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 2/25/2022 4:46:49 PM
To: "Merritt, Adria" <adria.merritt@doe.virginia.gov>
Cc:
Subject: Fwd: Report on Executive Order 1

Attachments: image001.png ,image003.jpg

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

---------- Forwarded message ---------
From: **Ben Kiser** <b.kiser@vassonline.org>
Date: Fri, Feb 25, 2022 at 3:30 PM
Subject: Report on Executive Order 1
To: Ben Kiser <b.kiser@vassonline.org>
Cc: Andy Stamp <a.stamp@vassonline.org>, Tom Smith <t.smith@vassonline.org>, Marcus Newsome <m.newsome@vassonline.org>, Liza Scallet <l.scallet@vassonline.org>

VASS Members,

See Executive Order 1 report by the State Superintendent that I received from Sarah Rankin, Associated Press.

Howard B. Kiser (Ben), Ed.D.

Executive Director, VASS

P.O. Box 68

Batesville, Virginia 22924

b.kiser@vassonline.org

Office: 804-562-4430

Cell: 804-815-7661

From: Rankin, Sarah <SRankin@ap.org>
Sent: Friday, February 25, 2022 2:35 PM
To: Ben Kiser <b.kiser@vassonline.org>
Subject: comment on CRT report?

Ben,

Hope all is well. A colleague and I will have a story this afternoon on the Youngkin administration report produced in accordance with EO1. Would you let me know if VASS has any comment on the findings?

Thank you,

Sarah Rankin

reporter

10 E. Franklin St.

AMERICAN OVERSIGHT

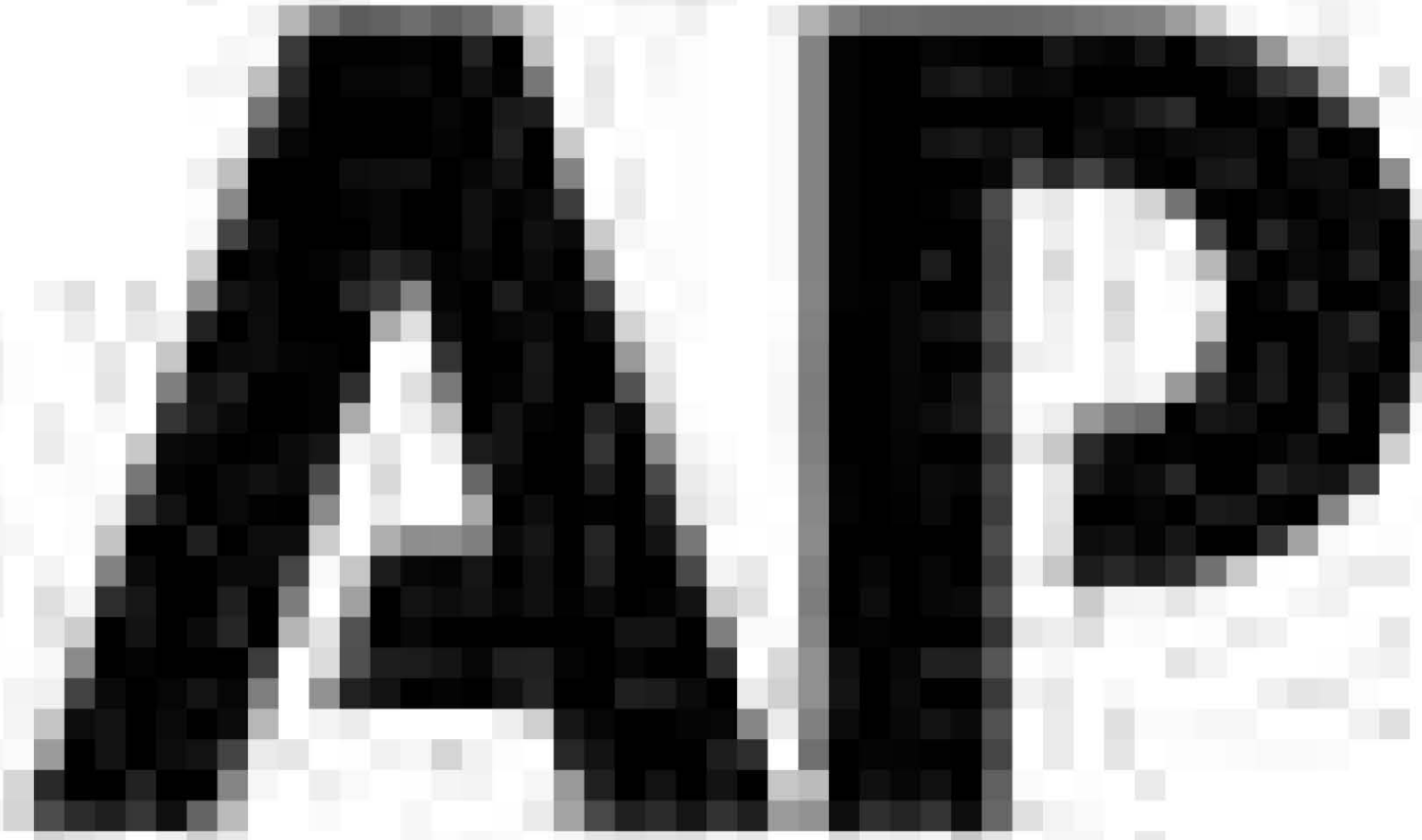
Richmond, VA 23219

Cell: 804.436.6609

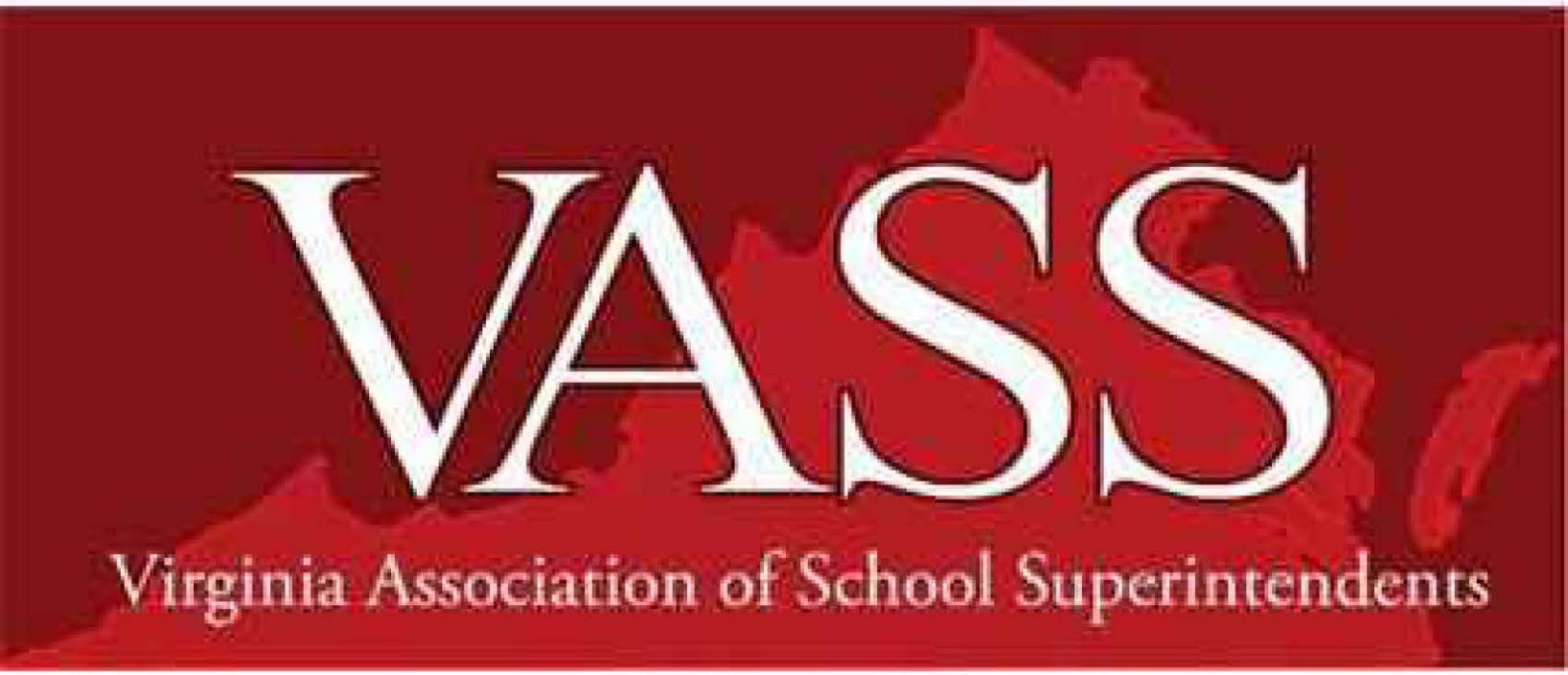
srankin@ap.org
apnews.com

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

From: Jon Russell <jon.russell@doe.virginia.gov>
Sent: 3/8/2022 9:55:30 AM
To: rosa.atkins@doe.virginia.gov, aimee.guidera@governor.virginia.gov, jennifer.bean@governor.virginia.gov, jillian.balow@doe.virginia.gov, kent.dickey@doe.virginia.gov, dave.myers@doe.virginia.gov, holly.coy@doe.virginia.gov, joan.johnson@doe.virginia.gov, samantha.hollins@doe.virginia.gov, shelley.loving-ryder@doe.virginia.gov, michael.bolling@doe.virginia.gov
Cc:
Subject: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (rosa.atkins@doe.virginia.gov)

Attachments: invite.ics

You have been invited to the following event.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar rosa.atkins@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Going (rosa.atkins@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account rosa.atkins@doe.virginia.gov because you are subscribed for invitations on calendar rosa.atkins@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

Subject: VASS Board Meeting
Location: Zoom (listed below)
Start: Tuesday, March 08, 2022 12:00 PM EST
End: Tuesday, March 08, 2022 1:00 PM EST
Recurrence: None
Organizer: jennifer.bean@governor.virginia.gov
Required Attendees: aimee.guidera@governor.virginia.gov; jennifer.bean@governor.virginia.gov; jon.russell@doe.virginia.gov; jillian.balow@doe.virginia.gov; kent.dickey@doe.virginia.gov; dave.myers@doe.virginia.gov; holly.coy@doe.virginia.gov; joan.johnson@doe.virginia.gov; samantha.hollins@doe.virginia.gov; rosa.atkins@doe.virginia.gov; shelley.loving-ryder@doe.virginia.gov; michael.bolling@doe.virginia.gov

3/4 - \; Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.
 Topic: VASS Board Meeting with Secretary of Education and State Superintendent<u></u><u></u> Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)<u></u><u></u> <u></u> \;Join Zoom Meeting <u></u> https://us06web.zoom.us/j/<wbr>84098400877?pwd=<wbr>Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz<wbr>09<u></u><u></u> <u></u> \;Meeting ID: 840 9840 0877 <u></u> Passcode: 720060<u></u><u></u> One tap mobile<u></u><u></u> +16468769923,,84098400877# US (New York)<u></u><u></u> +13017158592,,84098400877# US (Washington DC)<u></u><u></u> <u></u> \;<u></u> Dial by your location<u></u><u></u> \; \; \; \; \; \; \; +1 646 876 9923 US (New York)<u></u><u></u> \; \; \; \; \; \; \; +1 301 715 8592 US (Washington DC)<u></u><u></u> \; \; \; \; \; \; \; +1 312 626 6799 US (Chicago)<u></u><u></u> \; \; \; \; \; \; \; +1 669 900 6833 US (San Jose)<u></u><u></u> \; \; \; \; \; \; \; +1 253 215 8782 US (Tacoma)<u></u><u></u> \; \; \; \; \; \; \; +1 346 248 7799 US (Houston)<u></u><u></u> \; \; \; \; \; \; \; +1 408 638 0968 US (San Jose)<u></u><u></u> Meeting ID: 840 9840 0877<u></u><u></u> Find your local number: \;https://us06web.zoom.us/u/<wbr>kqa8LczUQ<u></u><u></u> <u></u> \;<u></u> -::~:~::~::~:~::- Do not edit this section of the description. View your event at https://calendar.google.com/calendar/event?action=VIEW&eid=NHBkdHI5Njk2NGE5OTBpbHE3bDIxdGpyM3Qgcm9zYS5hdGtpbnNAZG9lLnZpcmdpbmlhLmdvdg&tok=MzUjamVubmlmZXIuYmVhbkBnb3Zlcm5vci52aXJnaW5pYS5nb3ZlMjMwYWI -::~:~::~::~:~::-

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 1/16/2022 3:01:27 PM
To: "Ben Kiser" <b.kiser@vassonline.org>
Cc: "Andy Stamp" <a.stamp@vassonline.org>, "Tom Smith" <t.smith@vassonline.org>, "Marcus Newsome" <m.newsome@vassonline.org>, "Scott Brabrand" <ssbrabrand@fcps.edu>, "Fornash, Laura Worley" <LFornash@mwcllc.com>, "Liza Scallet" <l.scallet@vassonline.org>
Subject: Re: Executive Order-Masking

Thanks, Ben. As you can imagine this type transition is new to everyone. I will do all I can to facilitate a call this week.
Thanks,
Rosa

Rosa S. Atkins, Ed.D.
Acting Superintendent of Public Instruction
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

On Sun, Jan 16, 2022 at 11:20 AM Ben Kiser <b.kiser@vassonline.org> wrote:

> Rosa,
>
> I do not have Jillian Balow's contact information yet, so writing you. I hope you are doing well.
>
> As you can imagine, superintendents are processing Executive Order #2 and will need some guidance soon. I hope a conference call can be arranged soon to discuss.
>
> Thanks for all you do.
>
> Howard B. Kiser (Ben), Ed.D.
> Executive Director, VASS
> P.O. Box 68
> Batesville, Virginia. 22924
> Office: 804-562-4430
> Cell: 804-815-7661

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 1/19/2022 9:23:13 AM
To: "Ben Kiser" <b.kiser@vassonline.org>
Cc: "Andy Stamp" <a.stamp@vassonline.org>, "Tom Smith" <t.smith@vassonline.org>, "Marcus Newsome" <m.newsome@vassonline.org>, "Scott Brabrand" <ssbrabrand@fcps.edu>, "Fornash, Laura Worley" <LFornash@mwcllc.com>, "Liza Scallet" <l.scallet@vassonline.org>
Subject: Re: Executive Order-Masking

Ben,
Jillian now has a DOE email;

jillian.balow@doe.virginia.gov

Take care.
Rosa

Rosa S. Atkins, Ed.D.
Chief Diversity, Equity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

On Sun, Jan 16, 2022 at 11:20 AM Ben Kiser <b.kiser@vassonline.org> wrote:

> Rosa,
>
> I do not have Jillian Balow's contact information yet, so writing you. I hope you are doing well.
>
> As you can imagine, superintendents are processing Executive Order #2 and will need some guidance soon. I hope a conference call can be arranged soon to discuss.
>
> Thanks for all you do.
>
> Howard B. Kiser (Ben), Ed.D.
> Executive Director, VASS
> P.O. Box 68
> Batesville, Virginia. 22924
> Office: 804-562-4430
> Cell: 804-815-7661

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 3/21/2022 8:42:12 AM
To: "Merritt, Adria" <adria.merritt@doe.virginia.gov>
Cc:
Subject: Re: History Modules for WHRO

Yes, that will work.
Rosa

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

On Mon, Mar 21, 2022 at 8:39 AM Merritt, Adria <adria.merritt@doe.virginia.gov> wrote:
Are you available at 12:30? I have a Governor's Advisory Board Grant Review meeting that ends at noon.

On Mon, Mar 21, 2022 at 8:32 AM Atkins, Rosa <rosa.atkins@doe.virginia.gov> wrote:
Without knowing the context it is hard to advise. We can jump on a zoom or call to discuss it if you are available.
Rosa

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

On Mon, Mar 21, 2022 at 8:18 AM Merritt, Adria <adria.merritt@doe.virginia.gov> wrote:
Good morning, Rosa,

I looked through the WHRO modules on Friday. Because history is history, one of the overarching objectives states how slavery put one group of people over another as historical fact; it contradicts with the language of Executive Order 1- or maybe my interpretation is wrong. I have no idea how to reconcile that truth.

Adria
On Mon, Mar 21, 2022 at 8:04 AM Atkins, Rosa <rosa.atkins@doe.virginia.gov> wrote:
Brian,
Thanks for the invite.
Rosa

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

On Fri, Mar 18, 2022 at 10:31 AM Brian Mott <brian.mott@virtualva.org> wrote:
Rosa & Adria - you should have received an email inviting you to the AAH course. Please let me know if you did not receive it.

On Fri, Mar 18, 2022 at 8:32 AM Atkins, Rosa <rosa.atkins@doe.virginia.gov> wrote:
Thank you, Christonya. I look forward to getting a login for Canvas to view them.

Have a good weekend.
Rosa

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

AMERICAN OVERSIGHT

On Thu, Mar 17, 2022 at 3:53 PM Brown, Christonya <christonya.brown@doe.virginia.gov> wrote:

Good afternoon!

Thank you for the email.

The current African American History Elective course (state-developed) is available through Virtual Virginia on Canvas. I believe we all (VDOE) have a Canvas account and access to Virtual Virginia. I've copied Brian Mott on this email as he should be able to direct you to your Canvas account.

Also, when you are able to access the course, please note that we will be modifying it for the licensure requirement. There are five modules for the elective course. We will be removing module 5, the assessments, and student facing information. The content was written by current educators and reviewed by history professors of African American History and Social Sciences and grounded in primary and secondary sources. The technology, interactives, and videos were designed and developed by the WHRO team.

Please let me know if you have any questions or are unable to access the course material through Canvas.

Thanks so much. Have a great day!
Christonya

On Thu, Mar 17, 2022 at 3:18 PM Atkins, Rosa <rosa.atkins@doe.virginia.gov> wrote:

Christonya,
Thank you for all your work with the history updates. May Adria and I take a look at your history modules to make sure what we have in mind is of the same quality and depth?
Rosa

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

--
Christonya B. Brown
History and Social Science Coordinator

Virginia Department of Education
P.O. Box 2120
101 N. 14th Street
Richmond, VA 23218-2120
Phone: (804) 225-2893
Fax: (804) 786-1597

--
Brian Mott, Ph.D.
Executive Director

VIRTUAL VIRGINIA

Virtual Virginia | Virginia Department of Education

a: PO Box 2120 | Richmond, VA 23218
w: virtualvirginia.org
p: 866-650-0025

This email message contains private and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone or by return email message.

--
Adria F. Merritt
Director for Diversity, Opportunity and Inclusion Pathways
Department of Diversity, Opportunity and Inclusion
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
adria.merritt@doe.virginia.gov
(804) 786-7011

--
Adria F. Merritt
Director for Diversity, Opportunity and Inclusion Pathways
Department of Diversity, Opportunity and Inclusion
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
adria.merritt@doe.virginia.gov
(804) 786-7011

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 3/21/2022 8:32:02 AM
To: "Merritt, Adria" <adria.merritt@doe.virginia.gov>
Cc:
Subject: Re: History Modules for WHRO

Without knowing the context it is hard to advise. We can jump on a zoom or call to discuss it if you are available.
Rosa

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

On Mon, Mar 21, 2022 at 8:18 AM Merritt, Adria <adria.merritt@doe.virginia.gov> wrote:
> Good morning, Rosa,
>
> I looked through the WHRO modules on Friday. Because history is history, one of the overarching objectives states how slavery put one group of people over another as historical fact; it contradicts with the language of Executive Order 1- or maybe my interpretation is wrong. I have no idea how to reconcile that truth.
>
> Adria
> On Mon, Mar 21, 2022 at 8:04 AM Atkins, Rosa <rosa.atkins@doe.virginia.gov> wrote:
> > Brian,
> > Thanks for the invite.
> > Rosa
> >
> > Rosa S. Atkins, Ed.D.
> > Chief Diversity, Opportunity and Inclusion Officer
> > Virginia Department of Education
> > 101 N. 14th Street
> > P.O. Box 2120
> > Richmond, VA 23218
> > rosa.atkins@doe.virginia.gov
> > 804-225-2021
> >
> > ***Education is for improving the lives of others and for leaving your community and world better than you found it.***
> > ***Marian Wright Edelman***
> >
> > On Fri, Mar 18, 2022 at 10:31 AM Brian Mott <brian.mott@virtualva.org> wrote:
> > > Rosa & Adria - you should have received an email inviting you to the AAH course. Please let me know if you did not receive it.
> > >
> > > On Fri, Mar 18, 2022 at 8:32 AM Atkins, Rosa <rosa.atkins@doe.virginia.gov> wrote:
> > > > Thank you, Christonya. I look forward to getting a login for Canvas to view them.
> > > >
> > > > Have a good weekend.
> > > > Rosa
> > > >
> > > > Rosa S. Atkins, Ed.D.
> > > > Chief Diversity, Opportunity and Inclusion Officer
> > > > Virginia Department of Education
> > > > 101 N. 14th Street
> > > > P.O. Box 2120
> > > > Richmond, VA 23218
> > > > rosa.atkins@doe.virginia.gov
> > > > 804-225-2021
> > > >
> > > > ***Education is for improving the lives of others and for leaving your community and world better than you found it.***
> > > > ***Marian Wright Edelman***
> > > >
> > > > On Thu, Mar 17, 2022 at 3:53 PM Brown, Christonya <christonya.brown@doe.virginia.gov> wrote:
> > > > > Good afternoon!
> > > > >
> > > > > Thank you for the email.
> > > > >
> > > > > The current African American History Elective course (state-developed) is available through Virtual Virginia on Canvas. I believe we all (VDOE) have a Canvas account and access to Virtual Virginia. I've copied Brian Mott on this email as he should be able to direct you to your Canvas account.
> > > > >
> > > > > Also, when you are able to access the course, please note that we will be modifying it for the licensure requirement. There are five modules for the elective course. We will be removing module 5, the assessments, and student facing information. The content was written by current educators and reviewed by history professors of African American History and Social Sciences and grounded in primary and secondary sources. The technology, interactives, and videos were designed and developed by the WHRO team.
> > > > >
> > > > > Please let me know if you have any questions or are unable to access the course material through Canvas.
> > > > >
> > > > > Thanks so much. Have a great day!
> > > > > Christonya

AMERICAN OVERSIGHT

On Thu, Mar 17, 2022 at 3:18 PM Atkins, Rosa <rosa.atkins@doe.virginia.gov> wrote:

Christonya,
Thank you for all your work with the history updates. May Adria and I take a look at your history modules to make sure what we have in mind is of the same quality and depth?
Rosa

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

--
Christonya B. Brown
History and Social Science Coordinator

Virginia Department of Education
P.O. Box 2120
101 N. 14th Street
Richmond, VA 23218-2120
Phone: (804) 225-2893
Fax: (804) 786-1597

--
Brian Mott, Ph.D.
Executive Director

VIRTUAL VIRGINIA

Virtual Virginia | Virginia Department of Education

a: PO Box 2120 | Richmond, VA 23218
w: virtualvirginia.org
p: 866-650-0025

This email message contains private and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone or by return email message.

--
Adria F. Merritt
Director for Diversity, Opportunity and Inclusion Pathways
Department of Diversity, Opportunity and Inclusion
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
adria.merritt@doe.virginia.gov
(804) 786-7011

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 3/9/2022 3:55:12 PM
To: "rr Constituent Services" <constituentservices@doe.virginia.gov>
Cc:
Subject: Fwd: Please help

Please read immediately.
Thanks

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

---------- Forwarded message ---------
From: **Charlotte Brown** <charlottebrown1210@gmail.com>
Date: Wed, Mar 9, 2022 at 2:23 PM
Subject: Please help
To: rosa.atkins@doe.virginia.gov <rosa.atkins@doe.virginia.gov>

Please help; I do not know where else to turn. My [redacted] attends school at [redacted] in [redacted]. We moved back to my hometown because where we previously lived in coastal NC was getting bad for drugs and violence, and we wanted [redacted] to be safe. Friday, March 4th, a homemade sign, boasting a frowny face and the "N" word, was placed in the window of the woodshop ([redacted]). My [redacted] that attend the school. After posting the incident on social media and contacting the school and school board, the culprits were found and given 10 days suspension. I had previously gone to the school citing the racist comments my child experienced on a daily basis, but nothing was done at that time. [redacted] will not give up any names because he fears for his safety. Since all of this, parents of other children of color have come to me to tell me of their similar stories of racism and bullying. This is a problem at this school! This is a very rural community, with a mostly white population, so I do not have many allies or resources. I'm not sure what I'm asking of you, or from you, but I am sure that we need help with the situation. Any advice or assistance would be more than greatly appreciated.
Respectfully
Charlotte Brown

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/9/2022 6:52:21 PM
To: "Ben Kiser" <b.kiser@vassonline.org>, ztalley@martinsville.k12.va.us
Cc: "Aimee Guidera" <aimee.guidera@gov-elect.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Samantha Hollins" <samantha.hollins@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>, "Loving-ryder, Shelley" <Shelley.Loving-Ryder@doe.virginia.gov>, "Kent Dickey" <Kent.Dickey@doe.virginia.gov>, "Dave Myers" <dave.myers@doe.virginia.gov>, "Joan Johnson" <joan.johnson@doe.virginia.gov>, "Atkins, Rosa" <rosa.atkins@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Subject: Thank you and follow-up

Superintendent Talley, Executive Director Kiser,
Thank you for the productive meeting yesterday. Secretary Guidera and I appreciated the opportunity to visit with superintendents. We were encouraged by the conversation and next steps. Continued dialogue and a shared understanding about our work going forward is essential. In follow-up, here are action items:

- My team and I will seek input from superintendents as we develop the 90-day report required in Governor Youngkin's Executive Order #1. The report, among other things, will address #12 in the executive order. Closing Virginia's achievement gap is a goal for all of us.
- Direct communication is important. I will send a weekly update with a preview of superintendent's memos, federal updates, and other information for superintendents.
- We will continue to prioritize meetings with region representatives. In the next week, we will send out a reminder of who your VDOE liaison is - please reach out to your liaison or me anytime.

I am confident our work together will continue to be productive and beneficial for all of Virginia's students.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT